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(71)(72) Applicants and Inventors: SVANBORG, Catharina [SE/SE]; University of Lund, Dept. of Laboratory Medicine, Division of Clinical Immunology, Solvegatan 23, S-223 62 Lund (SE). SVENSSON, Malin, Wilhelmina [SE/SE]; Trollebergs vägen 85B, S-227 31 Lund (SE). HÅKANSSON, Per, Anders [SE/SE]; Flormans gatan 2A, S-223 54 Lund (SE).			
(74) Agent: GREAVES, Carol, Pauline; Batchellor, Kirk & Co., 102-108 Clerkenwell Road, London EC1M 5SA (GB).			
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(54) Title: LACTALBUMIN PRODUCTION PROCESS			
(57) Abstract			
<p>A method for producing an oligomeric form of α-lactalbumin which is in the molten globule-like state is described. The method suitably comprises exposing a source of α-lactalbumin in which the α-lactalbumin is preferably in the molten globule-like state, to an ion exchange medium which has been pre-treated with casein or an active component thereof, such as oleic acid, and recovering α-lactalbumin in an oligomeric form therefrom. Pre-treatment of the ion exchange medium, particularly with casein derived from human milk, has been found to significantly improve yields of the oligomeric form of α-lactalbumin and mean that it can readily isolated from readily available sources such as bovine α-lactalbumin. This form of α-lactalbumin is useful therapeutically, in particular as an antibacterial agent and also as an anti-cancer therapeutic.</p>			

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LACTALBUMIN PRODUCTION PROCESS

The present invention relates to a process for the preparation of a therapeutic protein complex, and to apparatus and reagents for use in the process.

Monomeric α -lactalbumin is the most abundant protein in human milk whey. This 14 KDa protein has been extensively characterised and the crystal structure has been resolved.

10 There are four α -helices and one triple stranded β -sheet, which is found at the C-terminal end of the protein. A high affinity Ca^{2+} binding site is coordinated by the side chain carboxylates of Asp82, Asp87, Asp88 and the carbonyl oxygen of Lys79 and Asp84, with two water molecules.

15 The native monomer is a component of the lactose synthase complex, and alters the substrate specificity of the galactosyl transferase from N-acetylglucosamine to glucose, with subsequent synthesis of lactose.

20 A fraction from human milk containing an oligomeric complex, described as multimeric α -lactalbumin or MAL, has previously been reported which has different biological properties to the monomeric form. In particular, the 25 oligomeric complex is reported as having therapeutic applications both in the field of antibiotic (WO96/04929) and cancer therapy (A. Håkansson et al., Proc. Natl. Acad. Sci USA, (1995) 92, 8064-8068). In particular, the oligomeric form of α -lactalbumin induces apoptotic cell death in cancer cells and immature cells, but not in healthy cells. These observations suggested that the protein acquires novel biological properties after conformational switching.

30 It is known that α -lactalbumin undergo conformational switching when exposed to low pH. The A state or molten globule state has native secondary structure, but less well

defined tertiary structure than the native state. Similar states of α -lactalbumin can form also at neutral pH, upon removal of the tightly bound Ca^{2+} ion, reduction of disulphide bonds or at elevated temperatures.

5 MAL was obtained by passing a casein fraction of milk, particularly human milk, down an ion exchange column, specifically a DEAE-Tris-acyl M column using an NaCl gradient. A pool containing MAL which was active therapeutically was obtained. In addition, the conversion 10 of commercially available monomeric α -lactalbumin to the active form was reported.

15 The applicants have found that the active form of α -lactalbumin precipitated with casein rather than with the whey fraction, at low pH, and eluted with high salt during ion-exchange chromatography. Spectroscopic characterisation of the active form suggested that it 20 consisted, at least in part, of folding intermediates of α -lactalbumin in stable aggregates.

25 The conformation and biological activities of proteins is thought to be under thermodynamic control, and dictated by the amino acid sequence. Recently, it has become evident that some proteins can be trapped in folding states with higher free energy, and that such folding variants of a single protein can acquire different biological functions. The conformational switch of the prion protein for example leads to the formation of a disease forming isoform, with 30 the same amino acid sequence, and no post-translational modifications to distinguish the two. The prion protein first changes to the molten globule state and then proceeds to a non-reversible β -sheet rich form.

35 It appears that α -lactalbumin is a further case of a protein that acquires novel functions after conformational switching. As in the prion system, the two molecular forms

of the protein have identical amino acid sequence, with no post-translational modifications as detected by mass spectrometry. Without being bound by any theoretical considerations, it is proposed that the relative folding instability of α -lactalbumin allows the protein to undergo structural transitions and attain new essential functions.

Protein folding variants like prions, amyloid and lysozyme are associated with disease, and are thought to directly trigger tissue destruction. The α -lactalbumin variant in contrast, may have beneficial effects. It may indeed represent a physiologic function for folding variants, that has gone astray in the case of prions and amyloid fibrils.

The altered folding state of α -lactalbumin however drastically alters its interactions with tumour cells. Healthy cells have limited longevity. When they are old, cell death programs are activated, and the cells die by apoptosis. Tumour cells often inactivate the cell death programs, multiply and survive. Many approaches have been taken to limit tumour cell survival, to make cells revert to a differentiated phenotype or to make them undergo apoptosis. In its altered folding state, α -lactalbumin forms MAL which appears to target immature cells and tumour cells and activate programmed cell death. There is clearly applications for this in cancer therapy.

With a greater understanding of the structure of MAL, the applicants have found an improved way of producing biologically active MAL in greater yields and from a greater variety of α -lactalbumin sources.

Thus the present invention provides a method of producing a biologically active form of α -lactalbumin, which method comprises oligomerising α -lactalbumin in the molten globule-like state.

The expression "biologically active" as used herein means that the α -lactalbumin is able to induce apoptosis in tumour cells and/or has a bactericidal effect not seen with monomeric α -lactalbumin.

5 Methods for achieving the activation in accordance with the invention include those described below. For example, α -lactalbumin in the molten globule-like state is suitably contacted with the conversion reagent under conditions which allow ion exchange to take place. In particular therefore, α -lactalbumin in the molten globule-like state is applied to an ion exchange column, specifically an anion exchange column, which contains the conversion reagent. This may be achieved by eluting the column first with the conversion reagent. However, other reaction environments 10 15 may produce similar effects and may be used.

A preparation of α -lactalbumin can contain material both the native and the molten globule-like state, the relative amounts of which will depend upon the method of purification used. It has been found that apoptosis inducing MAL will be produced when α -lactalbumin is applied to an ion exchange column in the presence of a conversion reagent.

20 25 30 However, it is preferable that a substantial portion, (i.e. greater than 50%w/w) of the α -lactalbumin applied to an ion exchange column is in the so-called molten globule-like state or that it is applied in conjunction with a reagent which will induce such a state.

The A-state or molten globule state of α -lactalbumin has native-like secondary structure but less well-defined tertiary structure (Kronman et al. 1965 Biochem, 4, 518-35; Dolgikh et al. Febs Lett, (1981) 136, 311-315 and FEBS Lett, (1984) 165:88-92, Ohgushi & Wada, 1983, A Febs Lett, 164:21-25). Molten globules are formed under acidic

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conditions and similar states are formed at neutral pH upon removal of the tightly bound Ca^{2+} -ion by EDTA, by reduction of the disulfide bonds, or at elevated temperatures (Pfeil et al., 1987 Biochim Biophys Acta, 911:114-116; Kuwajima 5 1996 Faseb J. 1:102-109; Shulman et al., 1995 J. Mol. Biol. 253, 651-657).

Alternatively, α -lactalbumin can be produced recombinantly in a mutated form in which calcium binding domains are disrupted or destroyed. These recombinant proteins are 10 more likely to form the molten globule-like state more readily. Furthermore, this method is advantageous since the purification of biologically active molecules from human milk is notoriously difficult, due to the abundance 15 of highly bioactive molecules that contaminate the fractions. Recombinant production methods will avoid these difficulties.

Suitable targets for mutation so as to destroy calcium 20 binding can be identified from the literature, but include mutation of the cysteine residues to other amino acids, such as alanine, which do not give rise to disulphide bridges. Examples of such mutations are described in Example 11 hereinafter.

25 DNA encoding the required recombinant α -lactalbumin can be inserted into suitable expression vectors which can then be employed to transform host cells, for example, prokaryotic cells such as *E. coli* or eukaryotic cells and in particular insect cells using conventional methods.

30 Depending upon the purification process or the source of the α -lactalbumin used in its production, it may be preferable to subject the α -lactalbumin to a pretreatment step which maximise amount of molten globule-like material. 35 This may be effected by contacting the α -lactalbumin with a calcium chelating agent such as EDTA (ethylene diamine

tetraacetic acid) in order to remove excess calcium. This may be applied as a pre-treatment in which the α -lactalbumin is contacted with the chelating agent prior to elution down the ion exchange column, or alternatively, the 5 EDTA may be added to the elution buffer.

Alternatively, the α -lactalbumin may be subjected to pre-treatment step involving exposure to a low pH, for example by addition of acidic material such as hydrochloric acid, 10 so as to reduce the pH to the order of 2. In yet a further alternative, the α -lactalbumin is heated to an elevated temperature, for example a temperature from 25-120°C, suitably from 25 to 95°C, for example in excess of 70°C. Whether or not a pretreatment of this type is necessary in 15 order to obtain optimum yields of active MAL can be determined by carrying out trial runs as illustrated hereinafter.

Suitable conversion reagents include one or more fatty acids or lipids, in particular those found in casein, and 20 particularly the casein of human milk. A particularly suitable fatty acid has been found to be oleic acid, although others may be selected by routine testing methods. The fatty acid used as the conversion reagents may be used 25 in pure form although a fraction of casein can provide a convenient source of this material.

Thus in a preferred embodiment, the invention provides a method for producing an oligomeric form of α -lactalbumin 30 which comprises exposing a source of α -lactalbumin in a molten globule-like state to an ion exchange medium which has been pre-treated with casein or an active component thereof, and recovering oligomeric α -lactalbumin therefrom.

The oligomeric α -lactalbumin derived therefrom is 35 biologically active in that it can have activity in inducing apoptosis in tumour cells and/or have a bactericidal effect.

The casein or active component used in the pretreatment of the column may comprise casein or a fraction thereof which contains the fatty acids or a pure fatty acid.

- 5 Pre-treatment or "training" the ion exchange medium with oleic acid, for example as found in casein or active components thereof has been found to be particularly effective in increasing the yield of MAL, for example from 10 various sources such as commercially available α -lactalbumin derived from both human and bovine milk.

The expression "active component" used herein refers to those one or more elements found in casein which produce 15 the desired improvement in the process when used as a pre-treatment of the ion exchange column. It is known for instance, that casein contains a number of lipids and occasionally free fatty acids. The fatty acid content of casein is markedly increased if for example, the casein is 20 frozen at 20°C or subjected to hydrolysis reactions. It has been found that some of these elements are retained on a column which has been treated with casein. Such a column gives rise to an improved MAL production capability of the column.

- 25 As outlined above, a particularly preferred active component is oleic acid and this may be applied to the column in pure state in the pre-treatment step.

- 30 Casein from human milk contains long-chain polyunsaturated fatty acids in addition to oleic acid such as linoleic, γ -linoleic and arachidonic acid as well as triglycerides and lipids particularly phospholipids such as sphingomyelin. Any of these may be used in combination with the oleic 35 acid, and may produce enhancement effects on the column.

It would be a matter of routine to test which of these further elements or combination of elements produced enhanced effects and then the reagents could be used alone in place of the casein in order to pre-treat the ion exchange material.

Where casein or an active component used in the pre-treatment step, this may be isolated from milk derived from various mammals, such as humans, bovines, sheep or goats.

10 Preferably however the casein or active component used in the pre-treatment are derived from human milk.

Isolation of casein fractions can be carried out using known methods, for example as described in WO 96/04929.

15 The casein may be used directly or it may be frozen and later thawed prior to use. It has been found that casein which has been frozen or derived from frozen human milk is preferred in the pre-treatment step. Where the casein is used directly, it is preferable that it is first subjected to hydrolysis so as to hydrolyse some triglycerides present and so increase the amount of free fatty acid and in particular oleic acid, present before use in the pre-treatment step. This hydrolysis may be achieved for example by exposure of the casein to bile salts (J. Bitman et al., J. Ped. Gast. Nutr. 1983: 521-524).

25

Preferably the ion-exchange material used is arranged in a column as is conventional in the art. The various treatments can then be eluted through the column.

30 Suitably the oleic acid or casein or the active components thereof are eluted through a column containing new unused ion exchange material such as DEAE Trisacryl. Suitable elution buffers include Tris-HCl with a pH of 8.5.

35 The amount of casein or the active components such as oleic acid or oleic acid composition applied to the column in this way may be small depending upon the volume of α-

lactalbumin is required to be converted to MAL. For example, it has been found that only 30mg of casein or casein equivalents per ml of column material can be used in the conversion of multiple 10mg runs of bovine α -lactalbumin. After 6 runs (60mg), the yield began to decrease, but some oligomeric α -lactalbumin was still obtained even after 10 runs.

In a preferred embodiment, the column is then washed with ion exchange buffer, such as the Tris-HCl buffer mentioned above, without casein, and preferably also other buffers which are to be used in the process, such as a NaCl containing buffer to ensure that nothing unspecific will elute from the column when used in the process. Washing may be done several times.

The column may then be eluted with the source of α -lactalbumin as described above dissolved in the ion exchange buffer. The column comprises anion exchange material. Suitably a salt concentration gradient is induced in the column by elution with buffer containing suitable salts, for example those containing a suitable anion such as chloride. One such salt is sodium chloride. MAL containing fractions can then be isolated from the column. These fractions may be identified spectroscopically for example as illustrated hereinafter.

In the experiments illustrated hereinafter, it has been found that in general, the most active MAL fraction elutes first although some may be carried over into a second elution peak.

Using the process of the invention, MAL can be obtained from a wide variety of α -lactalbumin sources. For example it may be isolated from casein fractions or whey fractions of milk from any of the above-mentioned mammals or from commercially available monomeric α -lactalbumin which has

been derived from any of these mammals. For example, monomeric bovine α -lactalbumin can be converted to therapeutic MAL in good yields, in some cases substantially completely, by treatment in accordance with the invention.

5

A pre-treated column can be used repeatedly to convert numerous fractions of α -lactalbumin to MAL. Once the column is exhausted or the conversion rate drops to unacceptable levels, the pre-treatment step can be repeated

10 in order to restore the enhanced MAL production activity.

15

The reason why the "training" of the column in this way is so advantageous in MAL production is not entirely clear. It is possible that the components of the casein and in particular oleic acid retained on the column catalyses MAL production or stabilise α -lactalbumin in its oligomeric form.

20

Ion-exchange media and columns which have been trained or conditioned in this way form a further aspect of the invention, as does oligomeric α -lactalbumin obtainable using this method.

25

The invention will now be particularly described by way of example with reference to the accompanying diagrammatic drawings in which:

30

Figure 1 shows an ion exchange chromatogram obtained by elution of a sample of pre-treated human monomeric α -lactalbumin down a clean ion exchange column:

Figure 2 shows an ion exchange chromatogram obtained by elution of a sample of pre-treated-human monomeric α -lactalbumin and lipids down a clean ion exchange column:

Figure 3 shows an ion exchange chromatogram obtained by elution of a sample of human monomeric α -lactalbumin down a trained ion exchange column in accordance with the invention:

5

Figure 4 shows an ion exchange chromatogram obtained by elution of a sample of bovine monomeric α -lactalbumin down a trained ion exchange column in accordance with the invention;

10

Figure 5 A) is an ion-exchange chromatogram obtained by elution of a sample of human α -lactalbumin isolated from human milk by ammonium sulphate precipitation down a casein trained column: B) is an ion exchange chromatogram obtained by elution of a sample of EDTA treated human α -lactalbumin isolated from human milk by ammonium sulphate precipitation down a casein trained column C) is an ion exchange chromatogram obtained by elution of a sample of EDTA treated human α -lactalbumin isolated from human milk by ammonium sulphate precipitation down a casein trained column using buffers containing EDTA;

Figure 6A) is an ion exchange chromatogram of human casein with the PAGE of the apoptosis inducing fraction (VI) inset; 6B is a size-exclusion chromatogram of the apoptosis inducing fraction (VI) with the corresponding PAGE of the different peaks inset; 6C is the 1.5 μ M ANS fluorescence spectra of MAL and native α -lactalbumin; and 6D) shows the circular dichroism spectra in the near UV region recorded at 25°C for MAL and native α -lactalbumin;

Figure 7 is an ion exchange chromatogram obtained by elution of a sample of EDTA treated human α -lactalbumin isolated from human milk by ammonium sulphate precipitation down a column trained with lipids extracted from a casein conditioned column; and

Figure 8 shows ion exchange chromatograms obtained by elution of a sample of EDTA treated human α -lactalbumin isolated from human milk by ammonium sulphate precipitation down columns trained with commercial free fatty acids where 5 "Native" refers to untreated α -lactalbumin and "Apo" refers to EDTA treated α -lactalbumin.

In the ion exchange chromatograms shown in the Figures, the protein peak is indicated by a thick line.

10

Methodology

The ion exchange matrix used in the following examples was DEAE Trisacryl M from BioSeptra, France. The buffers comprised: Buffer A, 10mM Tris-HCl pH 8.5 and Buffer B, 15 10 mM Tris-HCl with 1M NaCl pH 8.5.

The experiments were carried out at room temperature (22°). Sample was dissolved in 10ml of buffer A.

- 20 Sample solution were injected onto the column at 1 ml/minute. The column was then eluted with buffer A for 10 minutes in order to get the sample on the column. Then a gradient of buffer B from 15-30% was induced. The gradient was held at 30% buffer B for 20 minutes during 25 which time unwanted protein was eluted from the column. The concentration of buffer B was then increased to 100% which was held for 10 minutes. Where present, a MAL containing fraction eluted from the column during this period. The concentration of buffer B was reduced to 0% 30 which was held for 20 minutes. Thereafter the concentration of buffer B was raised again to 100% and held for 20 minutes, during which a second MAL containing fraction was eluted. The concentration of buffer B was then reduced to 0% and the column eluted with buffer A only 35 for a further 50 minutes.

Product was analysed using gel electrophoresis (Tris-Glycine PAGE gels 4-20%) as described previously in WO 96/04929, the content of which is hereby incorporated by reference.

5

Comparative Example A

This example was carried out using a new and previously unused ion exchange matrix. Monomeric α -lactalbumin (ca. 25mg) was added to the column in the manner outlined above.

- 10 No detectable multimeric peaks were obtained on this occasion.

Monomeric α -lactalbumin (20mg) was subjected to a procedure used in the precipitation of casein. Specifically, the 15 sample was mixed with 10% potassium oxalate and incubated overnight at 4°C. The pH was then lowered to 4.3 and the sample incubated at 32°C for 2 hours. After overnight incubation at 4°C, the sample was added to the column. Although small multimeric peaks were detected (Figure 1), 20 no protein was found after dialysis and freeze drying of the product.

Monomeric α -lactalbumin (20mg) was mixed with lipids extracted from whole human milk, subjected to the casein 25 precipitation procedure outlined above, and added to the column. Again small multimeric peaks were detected but no protein was found after dialysis and freeze drying (Figure 2).

30 Example 1

In this example, 300mg of casein derived from human milk was run on a fresh unused ion exchange matrix. The matrix was then washed with two runs of buffer A. Untreated commercially available (Sigma) monomeric human α -lactalbumin (8mg) was added to the column. Two multimeric 35 peaks were found (Figure 3). Four further samples were run down this column and all gave two multimeric peaks.

Comparative Example B

Example A above was repeated using a different sample of unused matrix and with monomeric commercially available (Sigma) bovine α -lactalbumin samples. None of the samples 5 gave any multimeric peaks.

Example 2

Example 1 above was repeated using monomeric bovine α -lactalbumin in place of human α -lactalbumin. Two clear 10 multimeric peaks were obtained (Figure 4).

Example 3

Supplies of α -lactalbumin were obtained from various sources including commercially available human and bovine 15 α -lactalbumin (Sigma) and α -lactalbumin isolated from human milk by ammonium sulphate precipitation of all proteins except α -lactalbumin, and then running the supernatant on a phenyl-sepharose column.

20 The samples were eluted down a column as described in Example 1 (Figure 3 and 5A). A second group of samples were pre-treated with EDTA by adding 7mg of the α -lactalbumin to 10ml of Buffer A containing 1mM of EDTA. The mixture was left at room temperature for about 3 hours 25 and was then added to the trained column and run using the buffers set out in Example 1 (Figure 5B).

A third group of samples were treated with an EDTA containing buffer as described above and then run using 30 EDTA buffers (Figure 5C).

The two peaks which are believed to contain MAL were kept separately and tested individually. Testing was carried out as described hereinafter in Example 4. Representative 35 results are set out in Table 1.

Table 1

<u>Source of α-lactalbumin</u>	<u>EDTA addition</u>	<u>MAL Peak tested</u>	<u>Dosage</u>	<u>Viability of tumour cells*</u>
Commercial	Untreated	1	0.5mg/ml	0%
human α -lactalbumin			1.0mg/ml	0%
		2	1.0mg/ml	0%
Human α -lactalbumin *	Untreated	1	1.0mg/ml	79%
		2	1.0mg/ml	95%
	EDTA pre-treated	1	1.0mg/ml	0%
		2	ca.1.5mg /ml	98%
	EDTA pre-treatment +	1	0.5mg/ml	0%
			1.0mg/ml	0%
	EDTA buffer	2	0.5mg/ml	89%
			1.0mg/ml	0%
Commercial	untreated	1	0.3mg/ml	50%
bovine α -lactalbumin			0.5mg/ml	0%
		2	0.5mg/ml	98%
			1.0mg/ml	98%

* Cell viability of tumour cells incubated with MAL as described below.

* Obtained using ammonium sulphate precipitation step as discussed above.

These results indicate, that the first MAL containing fraction to elute is the most active. It is possible that the second peak contains only some residual MAL which 'leaked' from the first peak.

With certain samples, and in particular, those isolated from human milk using an ammonium sulphate precipitation step as outlined above, the removal of some calcium is necessary in order to ensure efficient conversion of monomeric α -lactalbumin to MAL.

Example 4**Biological Data**

The biological efficacy of the products obtained in the above Examples 1 and 2 above was tested using tumour cell lines as described in Håkansson et al (1995) *supra*. Cell lines were incubated with samples of the products at various concentrations in cell culture media at 37°C for various time points. After incubation, the cells are harvested and the cell viability determined using a vital dye (trypan blue).

Oligonucleosome length DNA fragments were detected by agarose gel electrophoresis. Cells (2×10^6) were lysed in 5 mM Tris, 20 mM EDTA, 0.5% Triton X-100 pH 8.0 at 4°C for 1 hour and centrifuged at 13,000 x g for 15 minutes. DNA was ethanol precipitated overnight in -20°C, treated with proteinase K and RNase, loaded on 1.8% agarose gels and electrophoresed with constant voltage set at 50V overnight. DNA fragments were visualized with ethidium bromide using a 305nm UV-light source and photographed using Polaroid type 55 positive-negative film.

Analysis of the results revealed the occurrence of DNA fragmentation in all cases, indicative of apoptosis.

The activity of the products of the above Examples 1 and 2 was similar to that obtained using protein isolated from human milk casein as described by Håkansson et al (1995) *supra*.

30

Example 5**Further Analysis of MAL**

A further set of experiments were undertaken in order to further characterise MAL.

35

Frozen human milk was thawed and centrifuged (Sorvall RC-5B refrigerated superspeed centrifuge, Du Pont Instruments, Wilmington DE, USA) at 2500 x g for 15 minutes; the upper

fat layer was removed. Casein was isolated by an overnight incubation at +4°C with 10% potassium oxalate followed by a second overnight incubation at +4°C after lowering the pH to 4.3 using 1 M hydrochloric acid and heating the solution to 32°C for 2 hours. The casein precipitate was harvested by centrifugation at 5000 x g for 15 minutes, washed by 3-5 cycles of centrifugation and resuspension in distilled water and lyophilized. Casein was further fractionated on an ion-exchange column (14 cm x 1.5 cm) packed with DEAE-Trisacryl M (BioSeptra, France) attached to a Biologic chromatography system (Biorad laboratories, Alfred Nobel Drive, Hercules, CA, USA) using an increasing gradient of NaCl. The run was under the following conditions: buffer A: 10 mM Tris/HCl pH 8.5; buffer B: buffer A containing 1 M NaCl/L. Gradient program: From start to 15 ml, 0% B; from 15 to 55 ml, 0-15% B; from 55 to 75 ml, 15% B; at 75ml, 100% B for 10 min; from 85 to 115 ml, 0% B; at 115 ml, 100% B for 20 min; from 135 to end 0% B. The flow rate was 1 ml/min and the fraction size was 0.5 ml. The peaks were monitored by absorbance at 280 nm. The elute was desalting by dialysis (Spectra/Por, Spectrum Medical Industries, Laguna Hill CA, USA, membrane cut off 3.5 kD) against distilled water for at least 48 h and lyophilized.

25 MAL eluted as a single peak after 1M NaCl.

Analytical PAGE was performed using 4-20% polyacrylamide precast gels on a Bio-Rad Mini Protean II. Each lyophilized fraction (5-10 mg/ml) was suspended in 10 µl of sample buffer 13.1% 0.5 M Tris/HCl, pH 6.8, 10.5% glycerol, 30 1.2% SDS and 0.05% Bromophenol Blue, and loaded onto the gel, which was run in Tris-glycine buffer (pH 8.3) with 0.1% SDS at 200 V constant voltage for about 40 min. Proteins were stained with 0.1% Coomassie Blue solution.

35 Size exclusion chromatography was effected by gel filtration, performed on a Pharmacia Sepharose 12 (S-12) gel filtration column in 10mM Tris/HCl pH 7.5 with 0.15M

NaCl, and monitored by UV absorbtion at 280nm. The flow rate was 0.3 ml/min and the fraction size was 0.5ml. Observed peaks were collected and desalted by dialysis against distilled water.

5 N-terminal amino acid analysis of MAL following the gel filtration described above using Edman degradation was performed in an automated pulse-liquid sequencer (Applied Biosystems model 477A). The results, shown in Table 2, 10 confirm the identity of MAL to human α -lactalbumin.

TABLE 2

N-terminal amino acid sequence of the protein bands of MAL. The sequence of α -lactalbumin (HLA) is also shown.

15

HLA

20 14 Kda; Lys-Gln-Phe-Thr-Lys-Cys-Glu-Leu-Ser-Gln-
-Leu-Leu-Lys-Asp-Ile-Asp-Gly-Tyr-Gly-Gly-
-Ile-Ala-Leu-Pro-Pro-Leu-Ile-Asp-Thr-Met-

MAL

25 14 kDa; Lys-Gln-Phe-Thr-Lys-Unk-Glu-Leu-Ser-Gln-
-Leu-Leu-Lys-Asp-Ile-Asp-Gly-Tyr-Gly-Gly-
-Ile-Ala-Leu-Pro-Pro-Leu-Ile-Asp-Thr-Met-

30 30 kDa; Lys-Gln-Phe-Thr-Lys-Unk-Glu-Leu-Ser-Gln-

35 60 kDa; Lys-Gln-Phe-Leu-Lys-
Arg Pro Lys Thr Pro

100 kDa; Lys-Gln-Phe-Thr-Unk-Unk-Glu-Leu-Unk-Gln-
Asn Ile Ser Val
Tyr Asn

Fractions of MAL:

40 Peak 1 Lys-Gln-Phe-Thr-Lys-Unk
Peak 2 Lys-Gln-Phe-Thr-Lys-Unk
Peak 3 Lys-Gln-Phe-Thr-Lys-Unk
Peak 4 Lys-Gln-Phe-Thr-Lys-Unk

Unk, indicates unknown; according to published results,
residue 6 in α -lactalbumin is cysteine.

Residues shown below the 60 and 100 kDa sequence of MAL are
other possible candidates.

5

These techniques showed that the protein component of MAL
consisted of α -lactalbumin monomers as well as oligomers of
different molecular size (Figure 6A and B).

- 10 ANS fluorescence emission spectra were recorded between 400
and 700 nm (step 1 nm) with excitation at 385 nm. Both the
excitation and emission bandpass was set to 5 nm. The
concentration of the protein solutions was 1.0 mg/ml,
corresponding to 70 μ M monomer, in 10 mM potassium
15 phosphate buffer at pH 7.5.

- It was found that the ANS spectrum for MAL was blue shifted
compared to the spectrum of native monomeric α -lactalbumin,
with the intensity maximum at 475nm and increased quantum
yield indicating that ANS is bound by MAL (Figure 6C).
20 Further analysis was carried out using Circular Dichroism
spectroscopy. Circular Dichroism (CD) spectra were
obtained using a JASCO J-720 spectropolarimeter with a
JASCO PTC-343 Peltier type thermostated cell holder.
25 Quartz cuvettes were used with 1 cm path length. The
proteins were dissolved in 10 mM potassium phosphate buffer
at pH 7.5 and the extract protein concentrations were
determined using amino acid analysis after acid hydrolysis.

- 30 Near UV spectra were recorded for between 300 and 240 nm.
The wavelength step was 1 nm, the response time 4 s and the
scan rate was 10 nm per minute. Six scans were recorded
and averaged for each spectrum. Baseline spectra were
recorded with pure buffer in each cuvette and subtracted
35 from the protein spectra. The mean residue ellipticity θ_m ,
was calculated from the recorded ellipticity, θ , as

$$\theta_m = \theta / (c \cdot n \cdot l)$$

where c is the protein concentration in M, n the number of residues in the protein (123 in this case) and l the path length in m.

5 By near UV CD, MAL showed a minimum at 270 nm arising from tyrosine residues and a maximum at 294 nm arising from tryptophan residue, and was virtually identical to native α -lactalbumin, but with a lower signal. This indicates that the motion of tyrosines and tryptophanes is less
10 restrained in MAL compared to native α -lactalbumin (Figure 6D).

These spectroscopic analyses showed that MAL consisted of partially unfolded α -lactalbumin in the molten globule-like
15 state.

This indicates that it should be possible to make MAL from monomeric α -lactalbumin under conditions that induce adequate folding changes.

20

Example 6

Conversion of Monomeric α -lactalbumin to MAL

Monomeric α -lactalbumin was purified from human milk by ammonium sulphate precipitation. The ammonium sulphate was
25 added as a salt, 264g /1 milk, and the mixture was incubated overnight at +4°C. The mixture was then centrifuged (Sorvall RC-5B refrigerated superspeed centrifuge, Du Pont Instruments, Wilmington DE, USA) at 5000 x g for 15 minutes. The whey fraction was collected,
30 lyophilized and dissolved in 50 mM Tris/HCl with 35 mM EDTA, pH 7.5 A 400 ml phenyl-sepharose column (Pharmacia Biotech, Björkgatan, Uppsala, Sweden) was packed in 50 mM Tris/HCl with 1 mM EDTA, pH 7.5 and 500 ml sample was loaded onto the column. The column was first eluted with
35 50 mM Tris/HCl with 1 mM EDTA, pH 7.5 and α -lactalbumin was then eluted from the column with 50 mM Tris/HCl with 1 mM CaCl_2 , pH 7.5.

For conversion of monomeric α -lactalbumin, samples were dissolved in 10 mM Tris/HCl pH 8.5 (A buffer) prior to loading onto the column. Material that eluted at 1 M NaCl was collected, desalted by dialysis and lyophilized.

5

Monomeric α -lactalbumin was subjected to ion-exchange chromatography under conditions identical to those used in the purification of MAL. Ten milligrams of α -lactalbumin was loaded onto a new column matrix which was then eluted 10 as described above. This gave no converted material. This confirms the results reported in Comparative Example A above.

Monomeric α -lactalbumin in the native state and α -lactalbumin treated with EDTA were subjected to ion-exchange chromatography over a casein conditioned column. Native, 15 monomeric α -lactalbumin was converted to the multimeric form and eluted at the same position as MAL, but the peak had no apoptosis-inducing activity. α -lactalbumin treated 20 with EDTA completely converted to the oligomeric form and eluted as a single peak after 1 m NaCl at the same position as MAL. The converted α -lactalbumin material had significant biological activity when tested as described in Example 1.

25

Results from the casein conditioned column suggested that an additional factor present in casein (factor X) was required for MAL formation and eluted with α -lactalbumin at 1 M NaCl. Factor X was consumed as shown a decrease in 30 MAL yield which was noted after six runs.

Example 7

Identification of factor X.

Factor X was identified by eluting the column matrix under 35 conditions suitable for proteins or lipids. Extraction of unused matrix was included as a control. Column matrix conditioned with casein was eluted with 1 M NaCl, 10 mM

EDTA, 4 M urea and 20% ethanol. The column was attached to a Biologic chromatography system and the running conditions were the same as for the purification of casein (described above).

5 Elution with 10 mM EDTA did not release detectable protein other than monomeric α -lactalbumin. Urea 4 M, NaCl 1 M, or ethanol (20%) released only residual oligomerized α -lactalbumin as detected with PAGE.

10 The column matrix was extracted with organic solvents (chloroform/methanol) and extracted lipids were analysed by TLC. New matrix contained small amounts of phospholipids and free fatty acids. The casein conditioned matrix 15 contained phospholipids, diglycerides, cholesterol, free fatty acids and triglycerides, i.e. the same lipid classes as in human milk. After elution of the casein conditioned matrix with monomeric α -lactalbumin as described in Example 6 above, the free fatty acid content decreased suggesting 20 that this component was consumed.

Lipids were extracted according to Zeisel et. al J. Nutr. 1986, 116, 50-58. Briefly, 2 ml of matrix were dissolved in 25 ml of sterile water were mixed with 125 ml of chloroform/methanol (1:2 vol/vol), the solutions were mixed at room temperature for 15 min, incubated on ice for one hour and centrifuged at 11 600 x g for 10 min (Sorvall RC-25 5B refrigerated superspeed centrifuge, Du Pont Instruments, Wilmington DE, USA). The supernatants were aspirated. The 30 pellets were resuspended in 150 ml of chloroform/methanol/water (1:2:0.8 vol/vol/vol) mixed for 2 min and centrifuged at 11 600 x g for 10 min. The supernatants were transferred to separation funnels and 175 ml of chloroform/water (1:1 vol/vol) was added. The phases 35 were allowed to separate overnight at room temperature. The organic phases were collected and evaporated to dryness under nitrogen.

The free fatty acid content of the extracts was analysed using thin layer chromatography (TLC). Lipids extracted from 2 ml of matrix were dissolved in 10 µl of chloroform and applied on silica plates. Standards (monoglycerides, 5 diglycerides, cholesterol, fatty acids, triglycerides and cholesterol ester) were similarly applied. Lipids were separated using petroleum ether/diethyl ether/acetic acid/methanol (80:20:1:2 vol/vol/vol/vol), and the lipids were visualized by spraying the plates with phosphomolybdic acid followed by heating at 120°C for approximately 10 min 10 and identified by comparison with the known standards.

The column extracts were analysed using gas chromatography (GC). New matrix contained low amounts of C 16:0, C 18:1, 15 C12:0 and C 14:0. Casein conditioned matrix contained high amounts of C 16:0 and C 18:1, and also some C:14. After elution with α -lactalbumin the casein conditioned matrix contained the same free fatty acid classes but in much lower amounts.

20

Example 8

Conditioning of column using lipids

The lipids extracted from the casein conditioned column were used to condition a clean ion-exchange matrix. Lipids extracted from a casein conditioned column were dissolved 25 in 500 µl 95% ethanol before A buffer was added. The lipid solution was added to the column and one run of the program was done in order to distribute the lipids through out the column. There after 10 mg of monomeric α -lactalbumin in 30 the molten globule-like state was added and the program was run again. α - lactalbumin eluted as a single peak at the same position as MAL, and was found to have apoptosis-inducing activity (Figure 7).

Example 9Identification of C18 fatty acid as factor X.

The TLC analysis of the matrix lipids suggested that free fatty acids were involved in the production of MAL. GC analysis showed that palmitic acid C 16:0 and oleic acid C 18:1 were bound to the matrix after conditioning with casein.

Fatty acids were added to a column containing new matrix.

10 Two mg of palmitic acid (C 16:0), stearic acid (C 18:0), oleic acid (C 18:1), or linoleic acid (C 18:2) was dissolved in 500 μ l 95% ethanol and then A buffer was added. Each lipid solution was added to the column and one run of the program was done in order to distribute the 15 lipids through out the column. After each conditioning, 10 mg of monomeric α -lactalbumin in the molten globule-like state was added and the program was run again.

Oleic acid conditioned matrix efficiently converted α -
20 lactalbumin which eluted as a single peak at the same position as MAL. Stearic acid C 18:0 and palmitic acid C 16:0 had no effect (Figure 8).

This indicates that oleic acid is factor X.

25

Example 10Biological effects of lipids isolated from MAL

In order to confirm that lipids themselves were not responsible for the biological activity seen, MAL was 30 subjected to extraction with organic solvents. Lipids were analyzed by TLC. MAL was shown to contain 10-25% lipids by weight of the same major lipid classes as human milk and casein conditioned matrix; triglycerides predominated, followed by free fatty acids, mono- and di- glycerides, and 35 phospholipids. CG analysis of the free fatty acids showed that C 18:1 predominated followed by C 16:0 and C 14:0.

The L1210 (CCL 219) cell line was obtained from the American Type Culture Collection (ATCC), cultured in 25 cm² flasks (Falcon, Becton Dickinson, New Jersey, USA) at a density of 2 x 10⁶/well in RPMI 1640 supplemented with 10% fetal calf serum, 2 mM glutamine, non essential amino acids, sodium pyruvate, 50 µl gentamicin/ml and for L1210 cells µM 2-mercaptoethanol, kept at 37°C in a humidified atmosphere containing 5% CO₂, with change of medium every three days. The cells were harvested by centrifugation (200 g for 10 min). The cell pellet was resuspended in RPMI and seeded into 24 well plates (Falcon, Becton Dickinson, New Jersey, USA).

Lipids extracted from MAL as described above and from column matrix were dissolved in culture medium, lacking fetal calf serum, by sonication for 3 minutes in a bath sonicator (Branson 2200, Branson, Danbury, USA) and added to the cells. The final volume was adjusted with medium to 1 ml per well. Plates were incubated at 37°C in 5% CO₂ atmosphere for 6 hours with addition of 50 µl of fetal calf serum to each well after 30 minutes. Medium without lipid served as control.

The cell viability was determined by trypan blue exclusion. Cells (2x10⁶) were harvested by aspiration resuspended in PBS (5 ml) and washed by repeated cycles of centrifugation and resuspension in PBS. The washed cell pellet was resuspended in 1 ml of PBS, 30 µl were mixed with 30 µl of a 0.2% trypan blue solution and the number of stained cells (dead cells) per 100 cells was determined by interference contrast microscopy (Ortolux II).

The MAL lipids were tested for apoptosis-inducing activity using L1210 cells. The lipid concentration was defined in "MAL equivalents" as the amount extracted from a defined mass of MAL. MAL at 0.7 mg/ml induced apoptosis in L1210 cells as seen by reduction of cell viability and formation

of DNA fragments. However, lipids from 0.5 or 1 mg of MAL had no effect on cell viability or DNA fragmentation. At 2.5 mg MAL lipid equivalents cell viability was reduced to 45% and DNA fragmentation was observed, but at higher concentrations the cells were killed by necrosis, no DNA fragmentation was observed. MAL lipids were not active at concentrations when intact MAL killed the cells. The results are shown in Table 3.

10

Table 3
Effects of MAL Lipids and column Lipids on the viability of
L1210 cells

	Viability % TBE
Medium control	99
Lipids extracted from MAL	
0.05mg/ml*	97
0.08mg/ml**	98
0.15mg/ml#	97
Lipids extracted from casein conditioned column	
0.05mg/ml*	96
0.08mg/ml**	99
0.15mg/ml#	98
Mixing human α -lactalbumin with column lipids	
α -lactalbumin	column lipids
0.3mg	0.05mg
0.5mg	0.08mg
1.0mg	0.15mg

- * corresponding to 0.3 MAL equivalents
 15 ** corresponding to 0.5 MAL equivalents
 # corresponding to 1.0 MAL equivalents

Lipids extracted from casein conditioned matrix, 0.7 mg/ml, killed the cells by necrosis. Lipids from new matrix or from casein conditioned matrix after elution with α -lactalbumin had no effect on the cells even at 1 mg/ml.

5 The lipids extracted from the casein conditioned matrix (0.5 mg/ml) were mixed with α -lactalbumin (1 mg/ml). The cells still died by necrosis, indicating that mixing of α -lactalbumin with lipid did not result in the apoptosis inducing multimeric form.

10

Example 11

Expression of recombinant α -lactalbumin in insect cells

The entire human ala gene and its flanking sequences were isolated from a genomic library of human placental tissue

15 constructed in bacteriophage λ L47 (Hall, L., Emery, D. C., Davies, M. S., Parker, D., and Craig, R. K. Organization and sequence of the human alpha-lactalbumin gene., Biochem J. 242: 735-742, 1987). The gene is 2.3 kbp, contains four exons and three introns, and is flanked by about 5 kbp

20 sequence on both sides. The gene was regionally assigned to 12q13 by *in situ* hybridisation (Hall, L., Emery, D. C., Davies, M. S., Parker, D., and Craig, R. K. Organization and sequence of the human alpha-lactalbumin gene., Biochem J. 242: 735-742, 1987 and Davies, M. S., West, L. F.,

25 Davis, M. B., Povey, S., and Craig, R. K. The gene for human alpha-lactalbumin is assigned to chromosome 12q13., Ann Hum Genet, 1987).

30 Expression of human α -lactalbumin in *E. coli* was achieved by Peng et al. (Peng, Z. Y. and Kim, P. S. A protein dissection study of a molten globule., Biochemistry. 33: 2136-41, 1994). DNA comprising the four ala exons was synthesised using oligonucleotides corresponding to codons characteristic for *E. coli*. Transformation of *E. coli* BL21

35 was with a T7-polymerase based vector, providing the promoter, translation initiation and transcription termination site from the T7 bacteriophage. Mutations in

ala encoding regions involved in folding and Ca²⁺ binding have been constructed. The plasmid pALA carries the entire human ala gene, pALD- the α -domain gene of ALA, pALA-ala with all cystein residues changed to alanine. pALA-AZ 5 carries the ala sequences mutated to replace cysteins 61, 73, 77 and 91 with alanines (Peng, Z. Y. and Kim, P. S. A protein dissection study of a molten globule., Biochemistry. 33: 2136-41, 1994). In pALA-BZ the cysteins 6, 28, 111 and 120 were changed to alanines, and in pALA 10 (28-111) a single disulphide bond between cysteins 28-111 remained while all other cysteins were changed to alanines. Mutational inactivation of the disulphide bridges in the β sheet and between the domains of the molecule destroy the Ca²⁺ binding site (pALA-BZ).

15 Insect cells secrete human proteins if cloned in-frame into a vector with the appropriate signal sequence. The pMelBac vectors are baculovirus transfer vectors designed to direct the expression of recombinant proteins through the 20 secretory pathway to the extracellular medium.

The entire ala sequence was amplified by pcr from the vector pALA, encoding the complete gene for human ala, and was ligated into the Baculovirus vector pMelBacB behind the 25 melatonin signal. The pMelBacB carrying the ala insert was co-transfected with linearised Bac-N-Blue DNA into insect cells to allow homologous recombination and to produce viable virus. Recombinant plaques were formed in High Five cells, and α -lactalbumin secretion was detected.

30 Recombinant material obtained in this way can be subjected to oligomerisation in the native state and in the molten globule-like state in order to produce biologically active MAL.

Claims

1. A method of producing a biologically active oligomeric form of α -lactalbumin, which method comprises oligomerising and stabilising α -lactalbumin in the molten globule-like state.
5
2. A method according to claim 1 wherein α -lactalbumin, at least some of which is in the molten globule-like state,
10 is contacted with the conversion reagent under conditions which allow ion exchange to take place.
3. A method according to claim 2 wherein α -lactalbumin in the molten globule-like state is applied to an ion exchange
15 column, which contains the conversion reagent.
4. A method according to claim 3 wherein the ion exchange column is an anion exchange column.
- 20 5. A method according to claim 3 or claim 4 wherein the ion exchange column has been eluted with the conversion reagent.
6. A method according to any one of claims 2 to 5 wherein
25 α -lactalbumin, a substantial portion of which is in the molten globule-like state, is applied to an ion exchange column.
7. A method according to claim 6 wherein the α -lactalbumin is subjected to a pretreatment step in order to maximise the amount of molten globule-like material present.
30
8. A method according to claim 7 wherein in the pretreatment step, the α -lactalbumin is contacted with a calcium chelating agent.
35

9. A method according to claim 8 wherein the calcium chelating agent is ethylene diamine tetraacetic acid.
10. A method according to claim 7 wherein the pre-treatment step comprises exposure to a low pH.
 - 5
11. A method according to claim 10 wherein the low pH is created by addition of hydrochloric acid, so as to reduce the pH to the order of 2.
 - 10
12. A method according to claim 7 wherein the pre-treatment step comprises heating the α -lactalbumin is heated to a temperature in excess of from 25-120°C.
 - 15
13. A method according to claim 12 wherein the temperature is in excess of 70°C.
 - 15
14. A method according to any one of claims 2 to 5 wherein α -lactalbumin is applied to an ion exchange column together with a reagent which will induce it to form the molten globule-like state.
 - 20
15. A method according to claim 14 wherein the molten globule inducing reagent is a calcium chelating agent which is present in the elution buffer.
 - 25
16. A method according to claim 15 wherein the calcium chelating agent is EDTA.
- 30 17. A method according to any one of claims 2 to 17 wherein the conversion reagent comprises a fatty acid or lipid.
18. A method according to claim 17 wherein the fatty acid or lipid is a component of casein.
 - 35
19. A method according to claim 17 or claim 18 wherein the fatty acid is oleic acid.

20. A method according to any one of the preceding claims wherein the α -lactalbumin is a mutated form of the native protein in which calcium binding sites are modified.
- 5 21. A method according to claim 20 wherein at least some cysteine residues of the α -lactalbumin are mutated.
22. A method for producing an oligomeric form of α -lactalbumin which comprises exposing a source of α -lactalbumin to an ion exchange medium which has been pre-treated with casein or an active component thereof and recovering α -lactalbumin in an oligomeric form therefrom.
- 10 15 23. A method according to claim 22 wherein the active component of casein is oleic acid.
24. A method according to claim 23 wherein the oleic acid is in substantially pure form.
- 20 25. A method according to claim 22 wherein the ion exchange medium has been treated with casein derived from human milk.
- 25 26. A method according to claim 22 or claim 24 wherein the ion exchange medium has been treated with casein which has been previously frozen or is derived from frozen milk.
- 30 27. A method according to claim 22 or claim 23 wherein the casein used in the pre-treatment of the ion exchange medium has been subjected to hydrolysis.
- 35 28. A method according to any one of claims 22 to 27 wherein a substantial portion of the α -lactalbumin applied to the ion exchange medium in the molten globule-like state.

29. A method according to claim 28 wherein the α -lactalbumin is formed into the molten globule-like state by contacting it with a calcium chelating agent.
- 5 30. A method according to claim 29 wherein the calcium chelating agent is ethylene diamine tetraacetic acid.
- 10 31. A method according to claim 29 or claim 30 wherein the calcium chelating agent is contacted with the α -lactalbumin prior to contact with the ion exchange medium.
- 15 32. A method according to claim 29 or claim 30 wherein the calcium chelating agent is added to an elution buffer which is then used to effect the contact between the α -lactalbumin and the ion exchange medium.
33. A method according to claim 26 wherein the α -lactalbumin is subjected to pre-treatment step involving exposure to a low pH.
- 20 34. A method according to claim 28 wherein the α -lactalbumin is subjected to a pretreatment in which it is heated to an elevated temperature.
- 25 35. A method according to any one of claims 28 to 34 wherein the ion exchange medium is arranged in a column.
36. A method according to any one of claims 28 to 35 wherein the ion exchange medium comprise DEAE Trisacryl.
- 30 37. A method according to any one of claims 28 to 36 which comprises eluting an ion exchange column with casein or the active components thereof in an ion exchange buffer, washing the column with ion exchange buffer, and then eluting the column with a source of α -lactalbumin dissolved in the ion exchange buffer in the presence of a salt concentration gradient.

38. A method according to claim 37 wherein the ion exchange buffer is Tris-HCl.
39. A method according to claim 37 or claim 38 wherein the salt concentration gradient is produced using an ion exchange buffer in which sodium chloride is dissolved.
40. A method according to claim 39 wherein the column is washed by elution of ion exchange buffer twice.
- 10 41. A method according to any one of the preceding claims wherein the said source of α -lactalbumin comprises monomeric bovine α -lactalbumin.
- 15 42. A method according to any one of the preceding claims wherein the said source of α -lactalbumin comprises monomeric human α -lactalbumin.
- 20 43. An ion exchange medium for use in the method of any one of the preceding claims, said medium having been treated with casein or an active component thereof.
- 25 44. An ion exchange medium according to claim 22 wherein the medium has been treated with an active component of casein comprising oleic acid.
45. An ion exchange column which comprises ion exchange medium according to claim 43 or claim 44.
- 30 46. An oligomeric form of α -lactalbumin obtained by a method according to any one of claims 1 to 45.

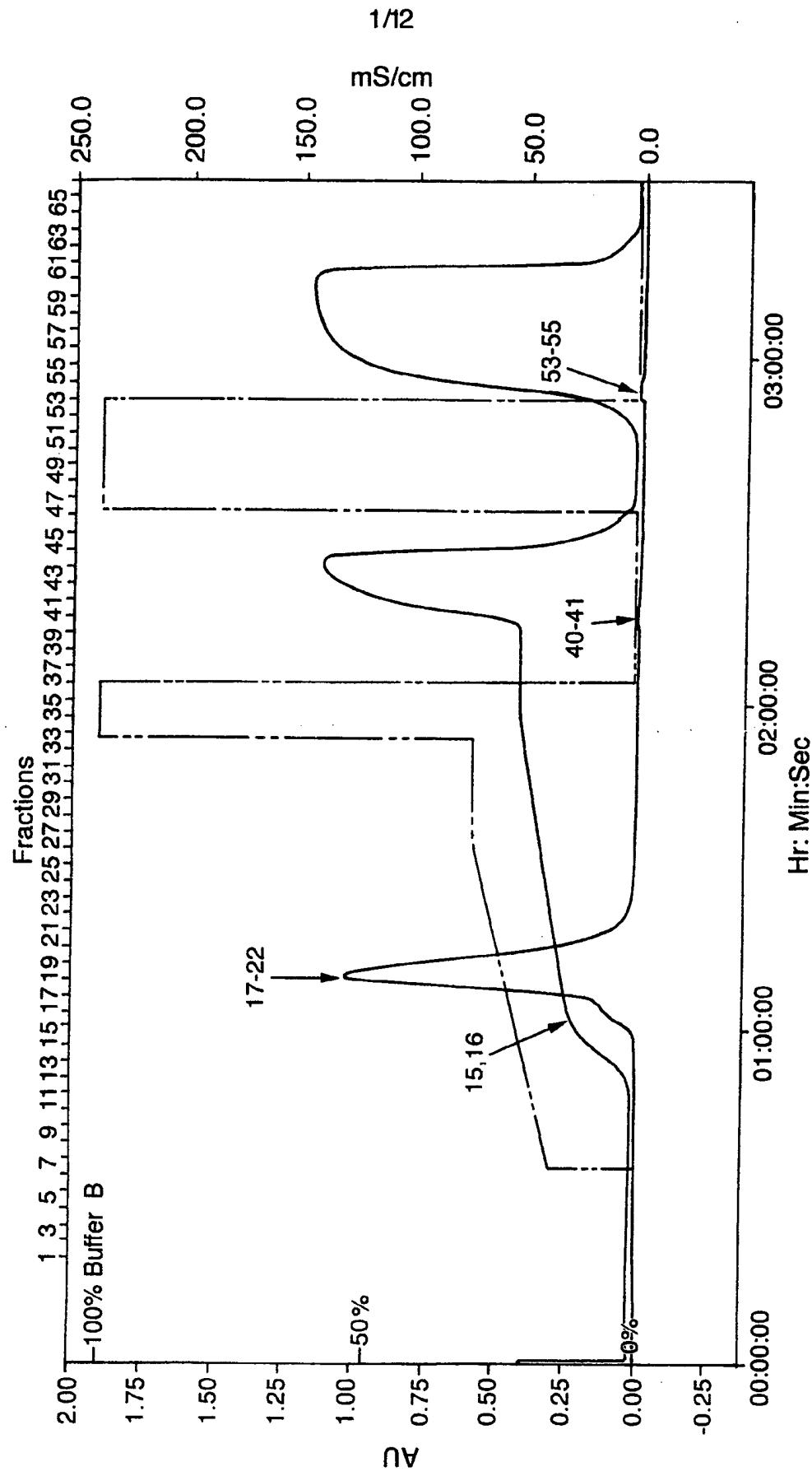
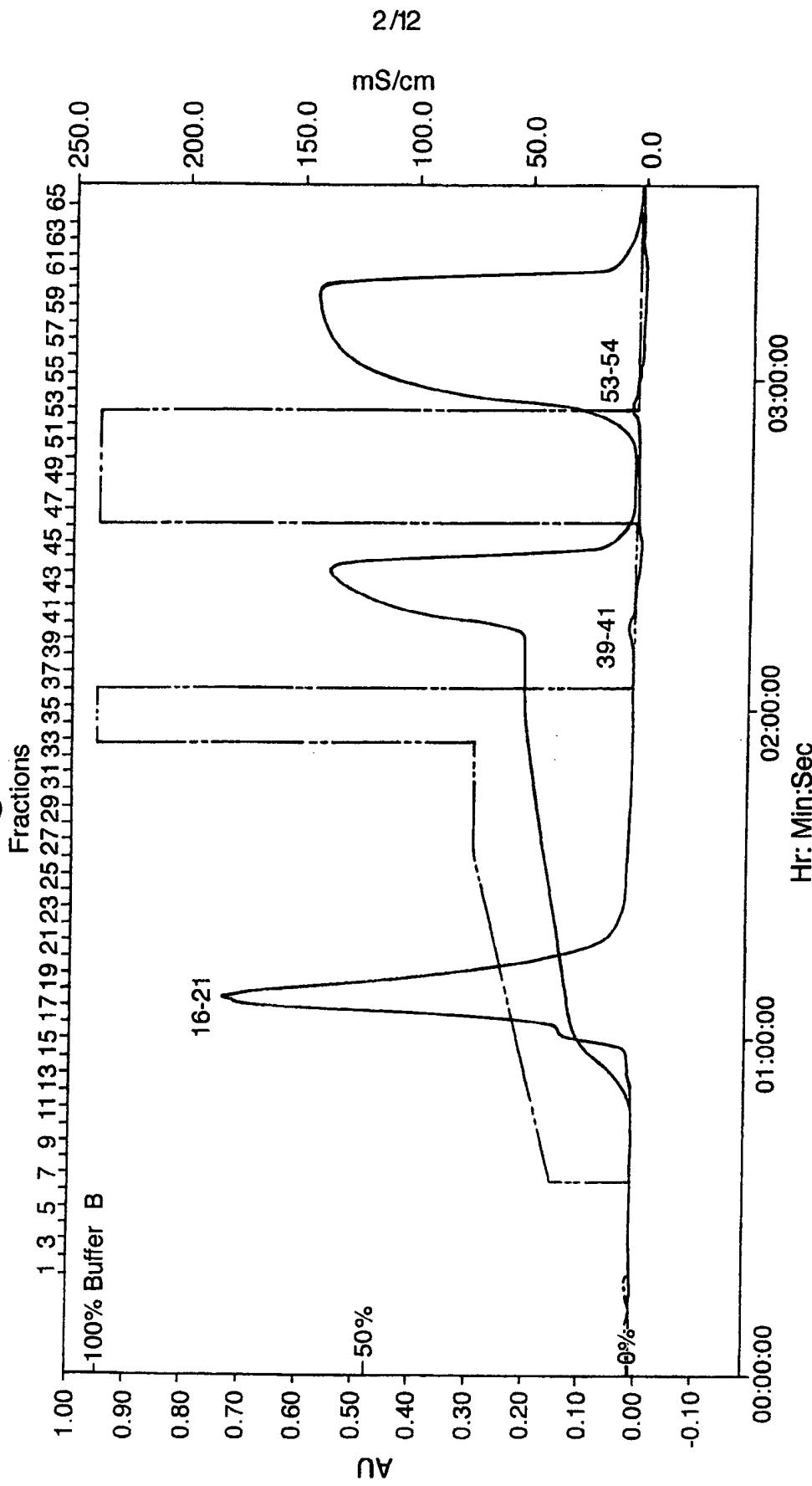
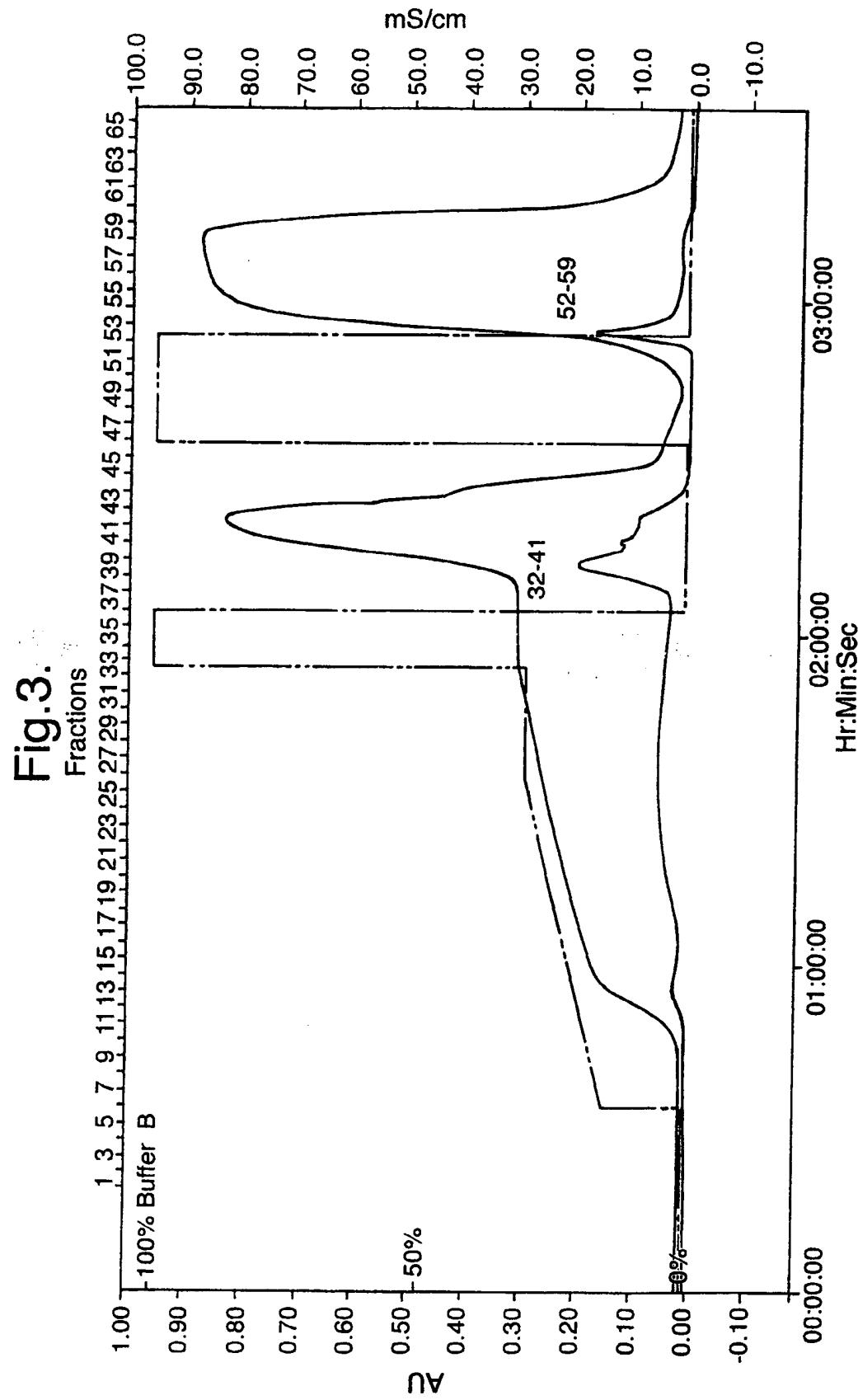
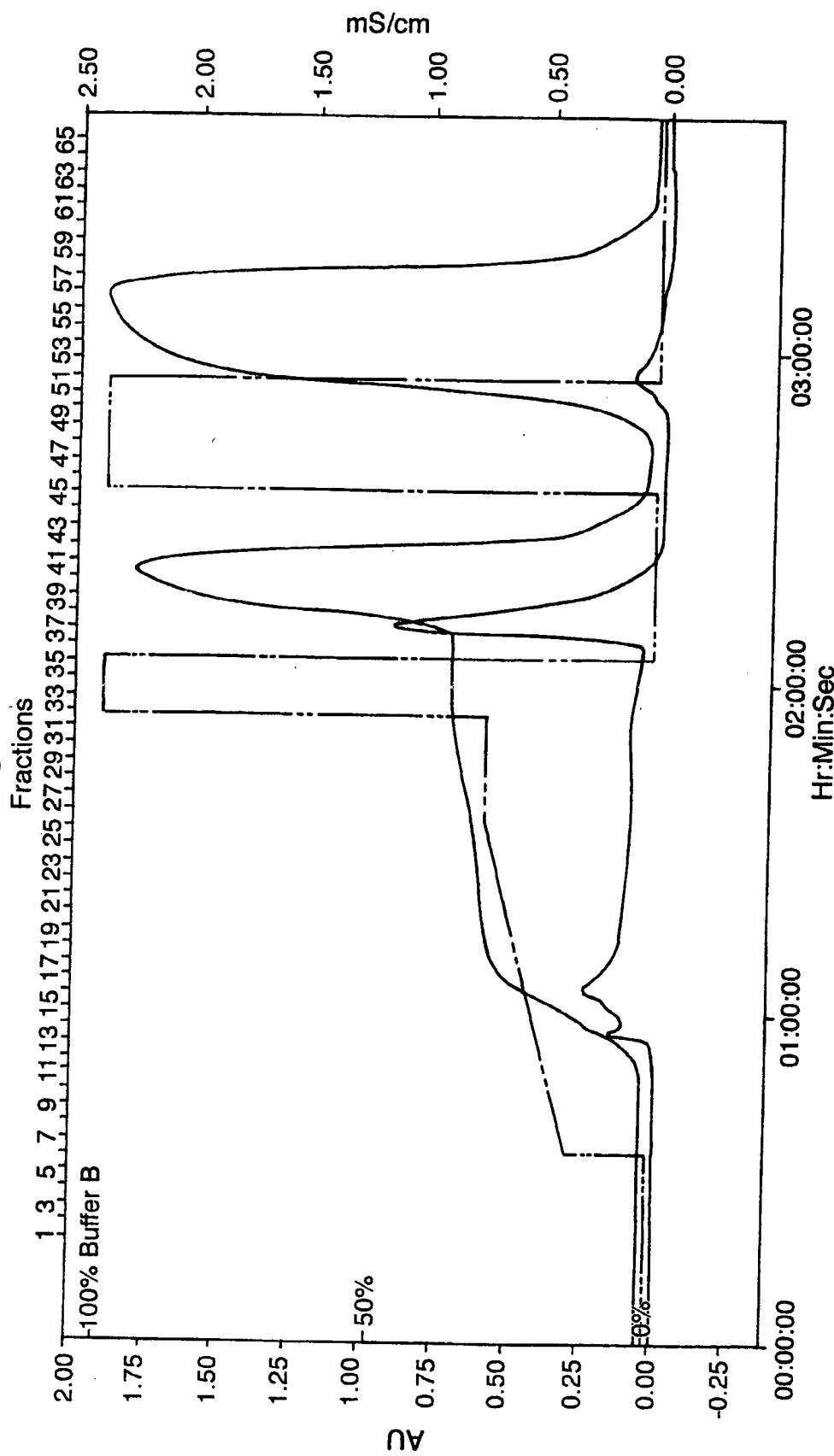
Fig. 1.

Fig. 2.

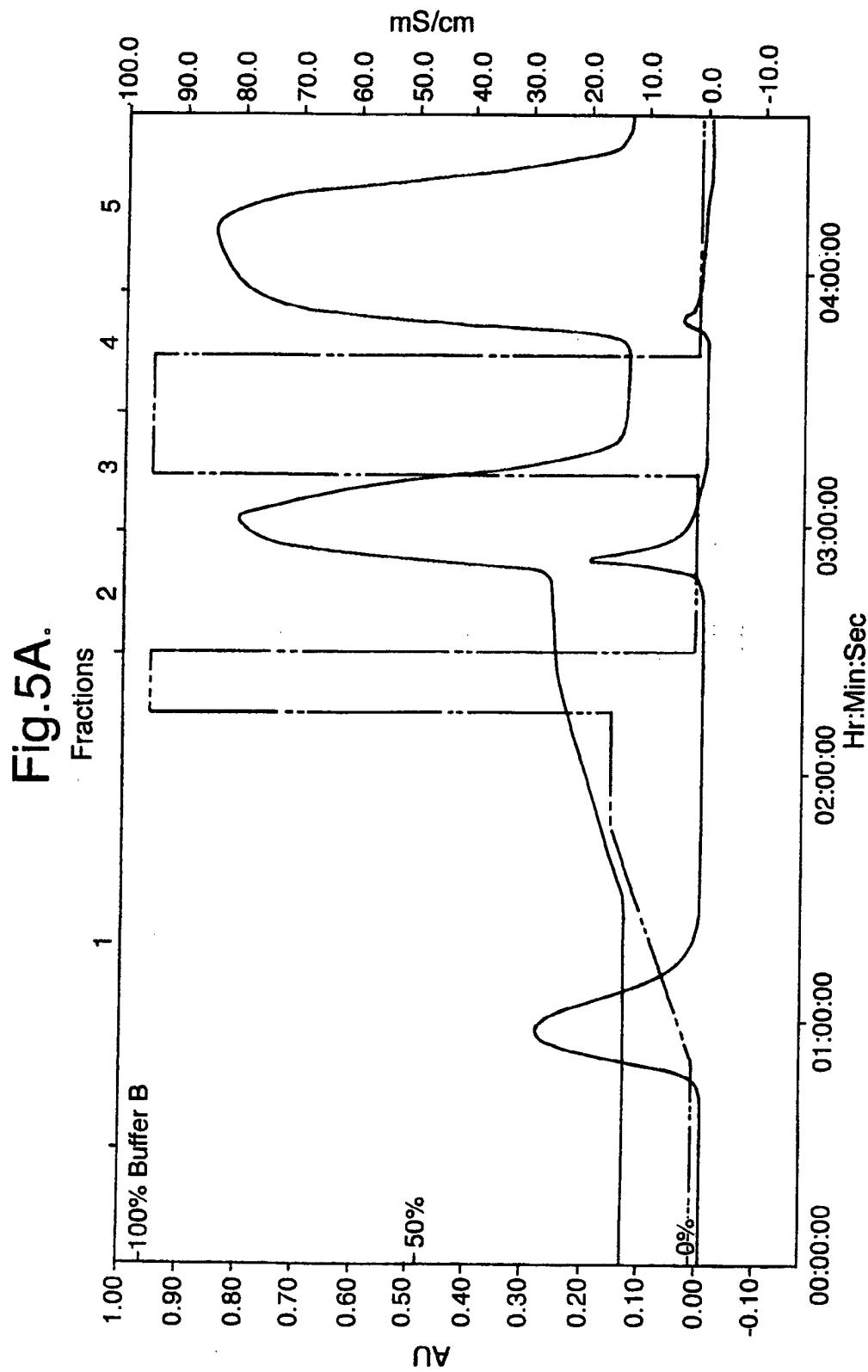
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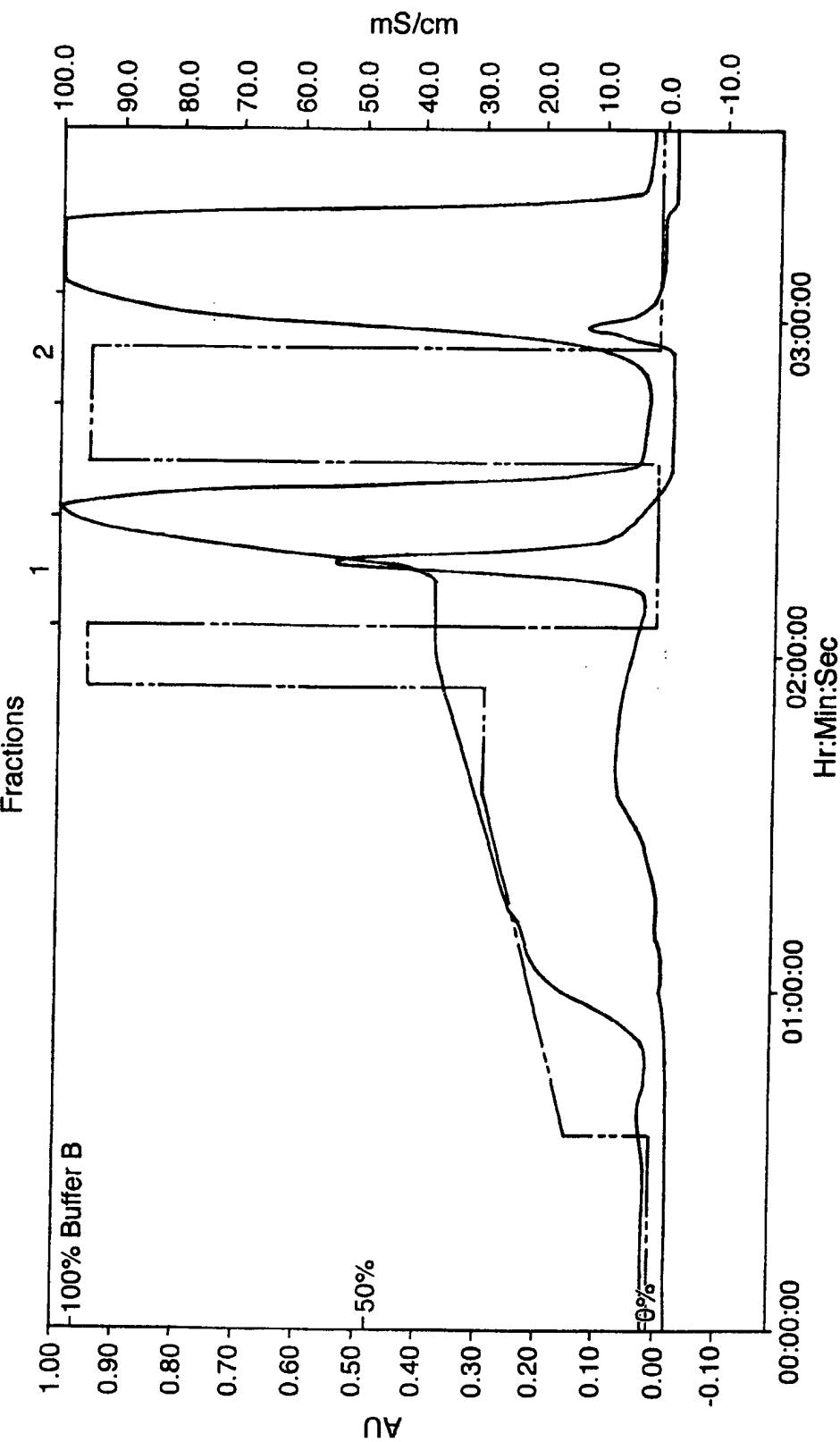
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Fig.4.

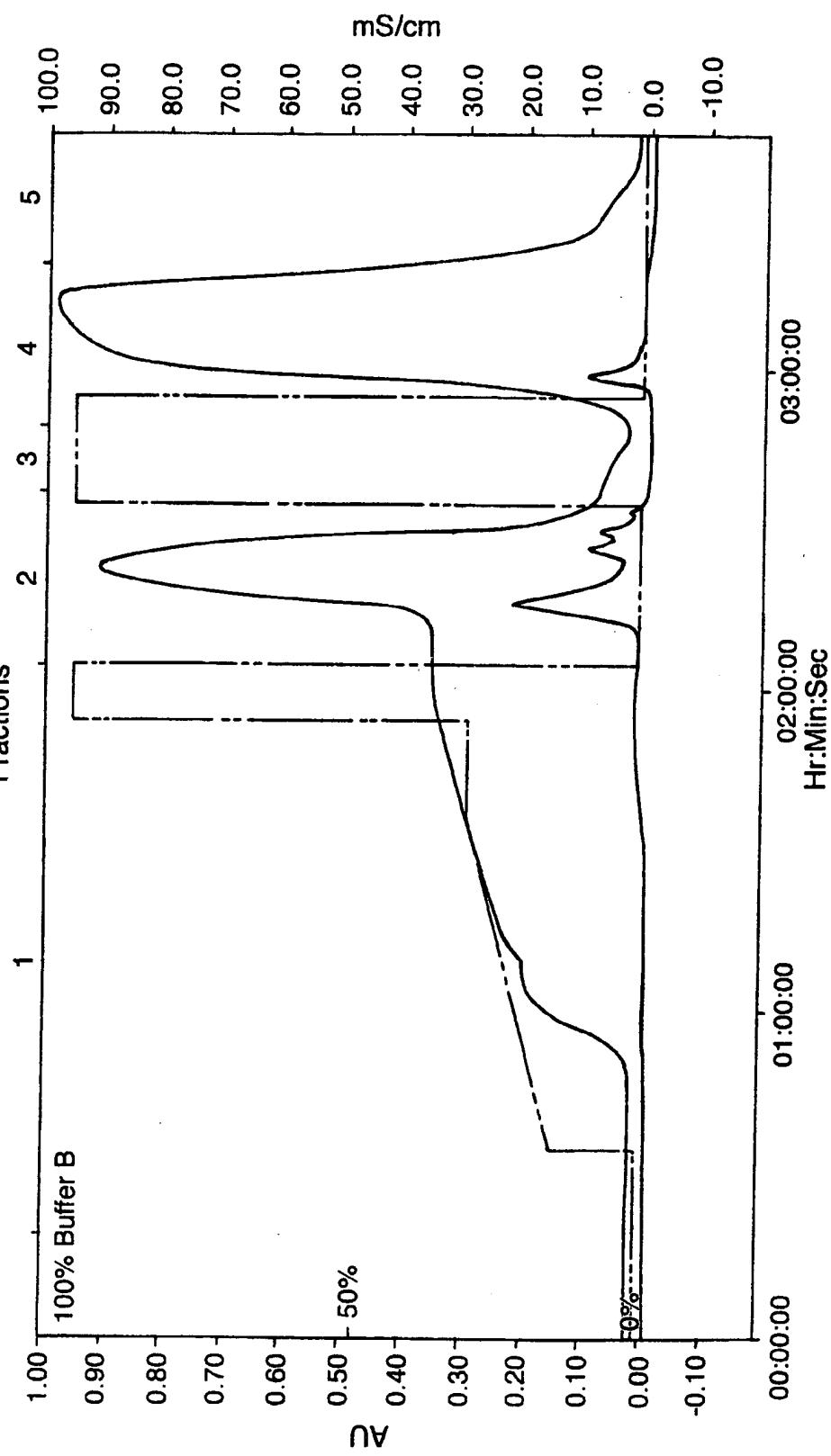
5/12



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Fig. 5B.

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Fig. 5C.

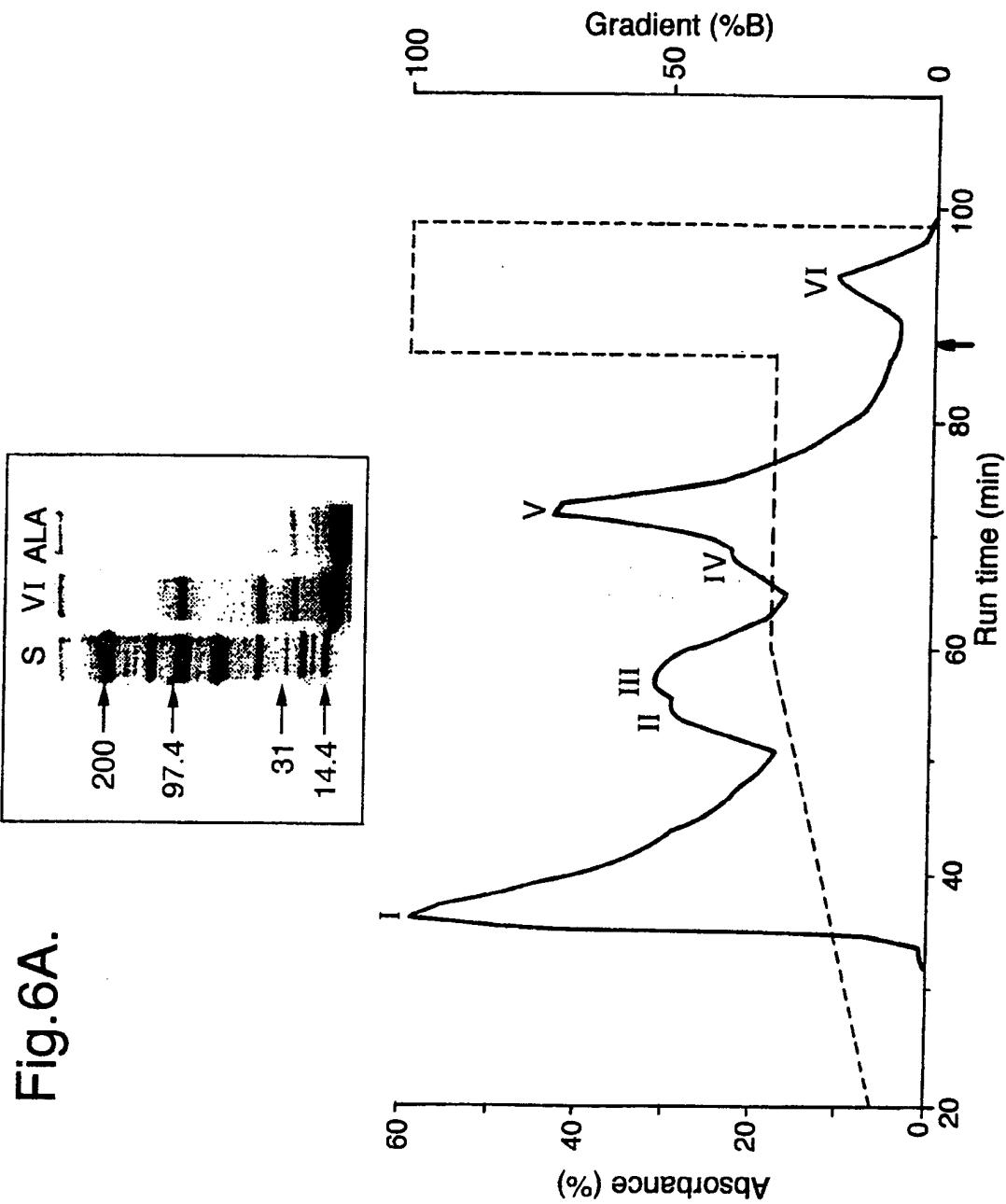
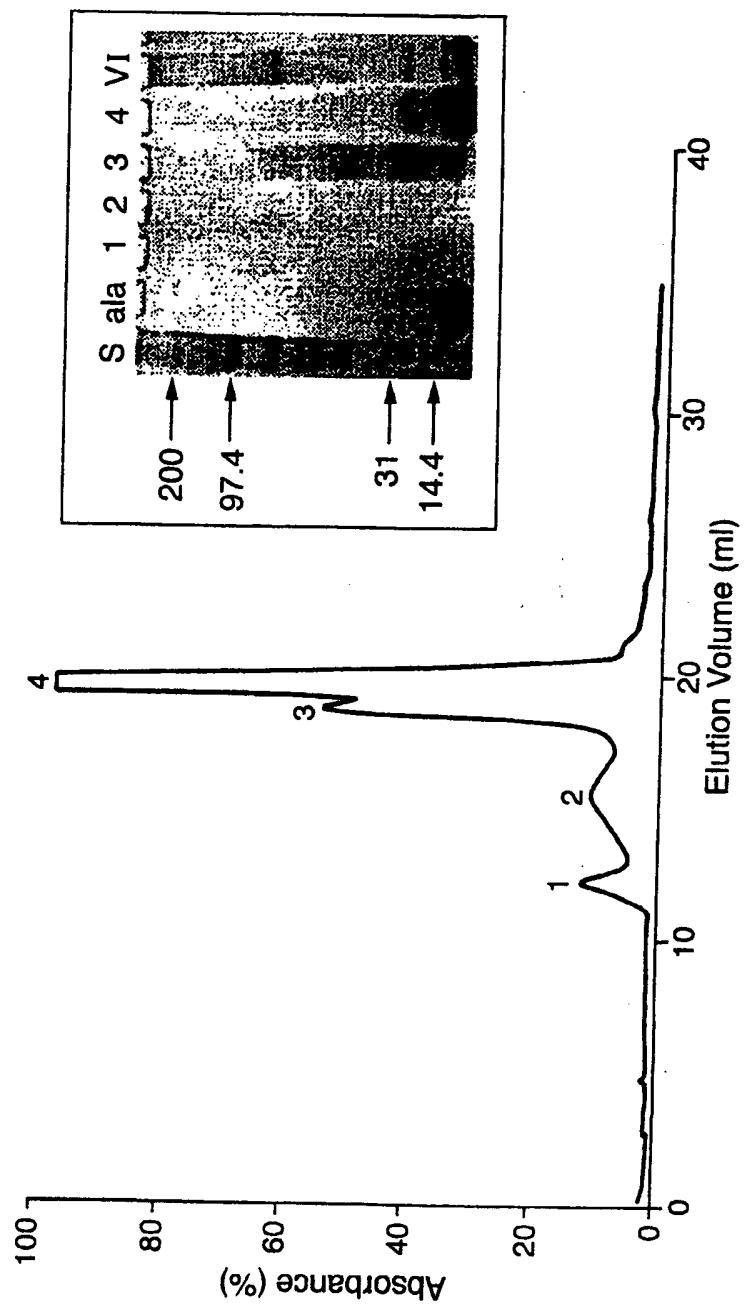


Fig. 6A.

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Fig.6B.



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Fig.6C.

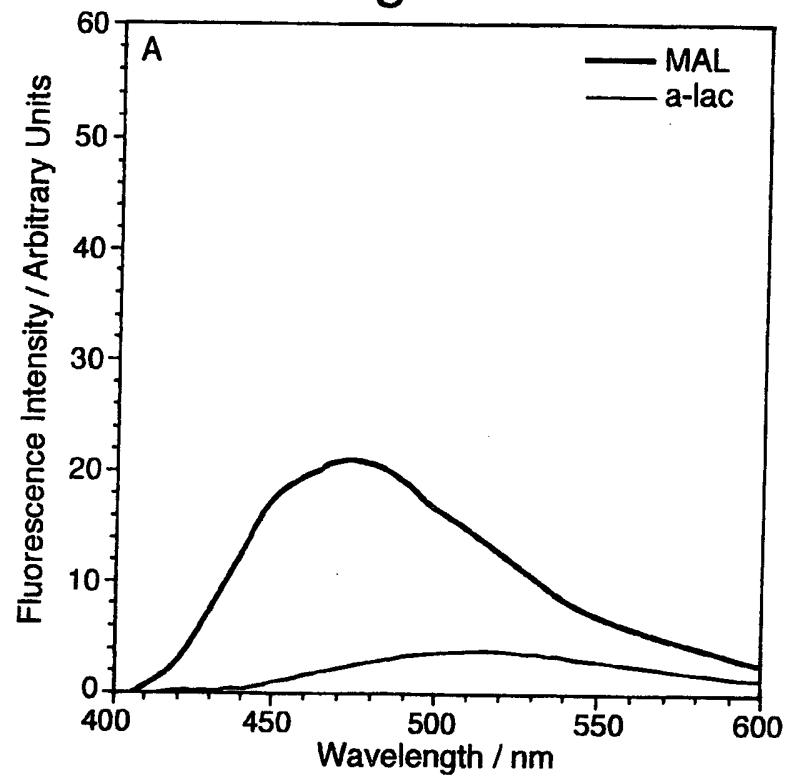
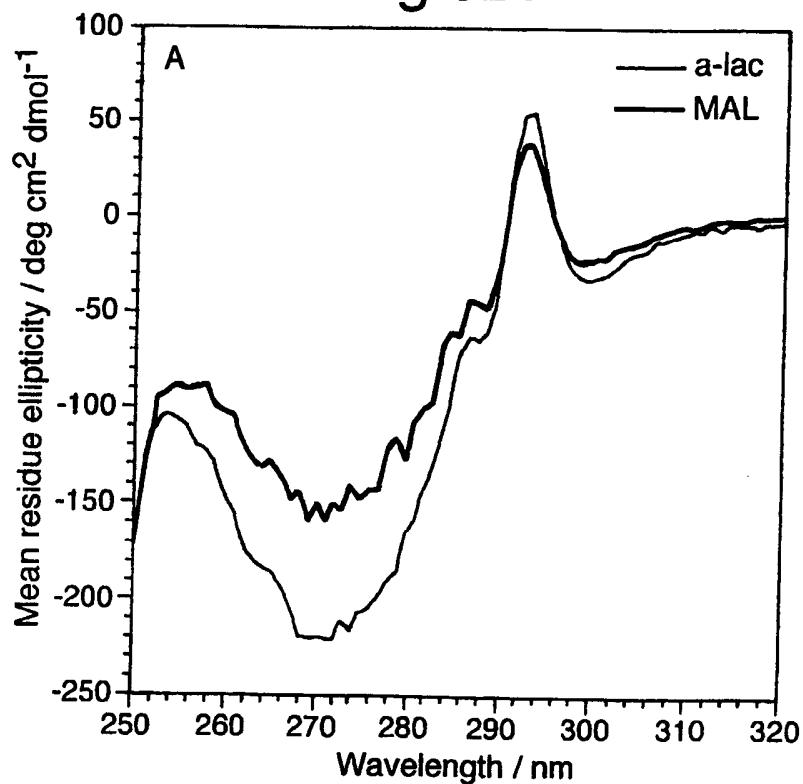
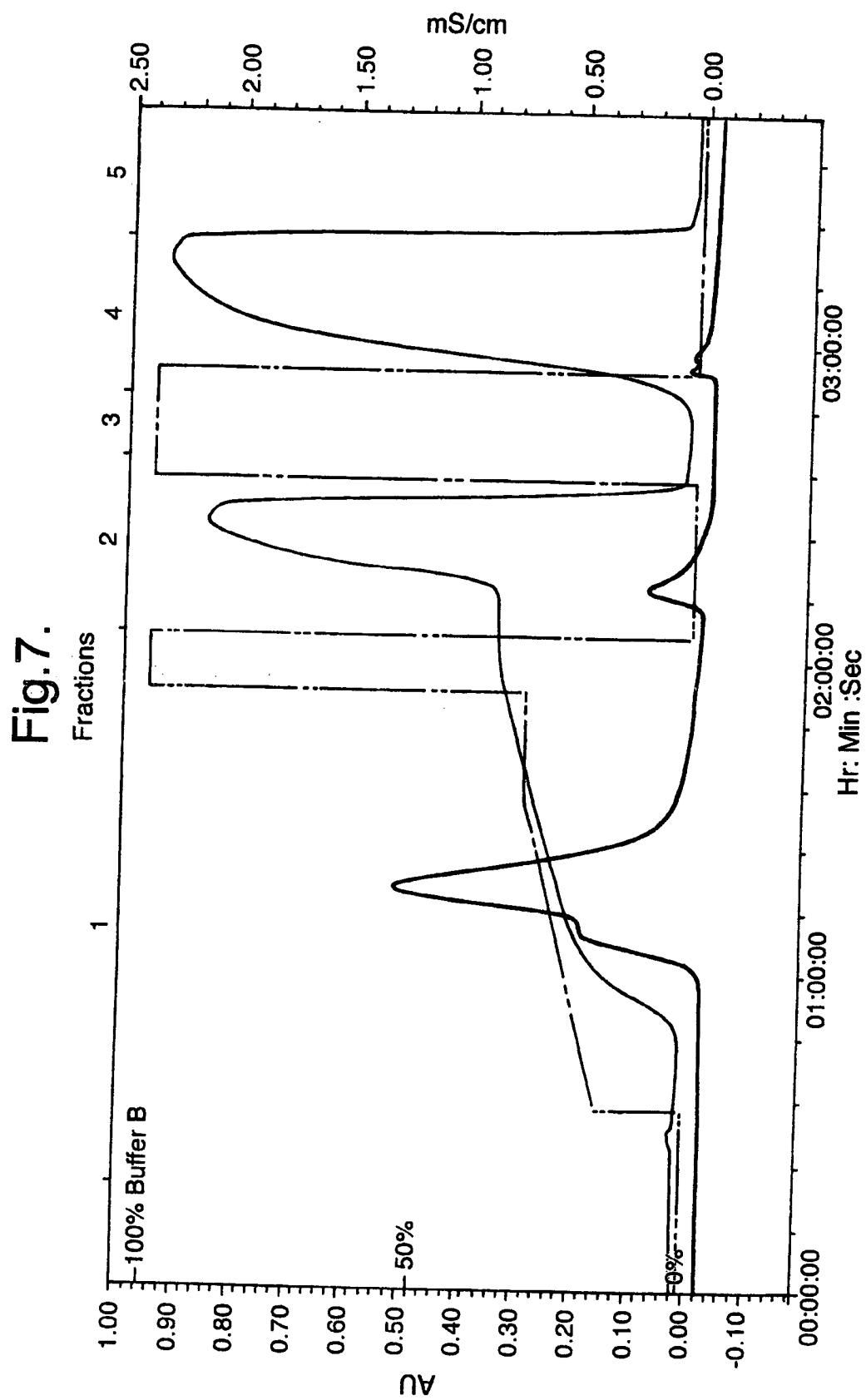


Fig.6D.

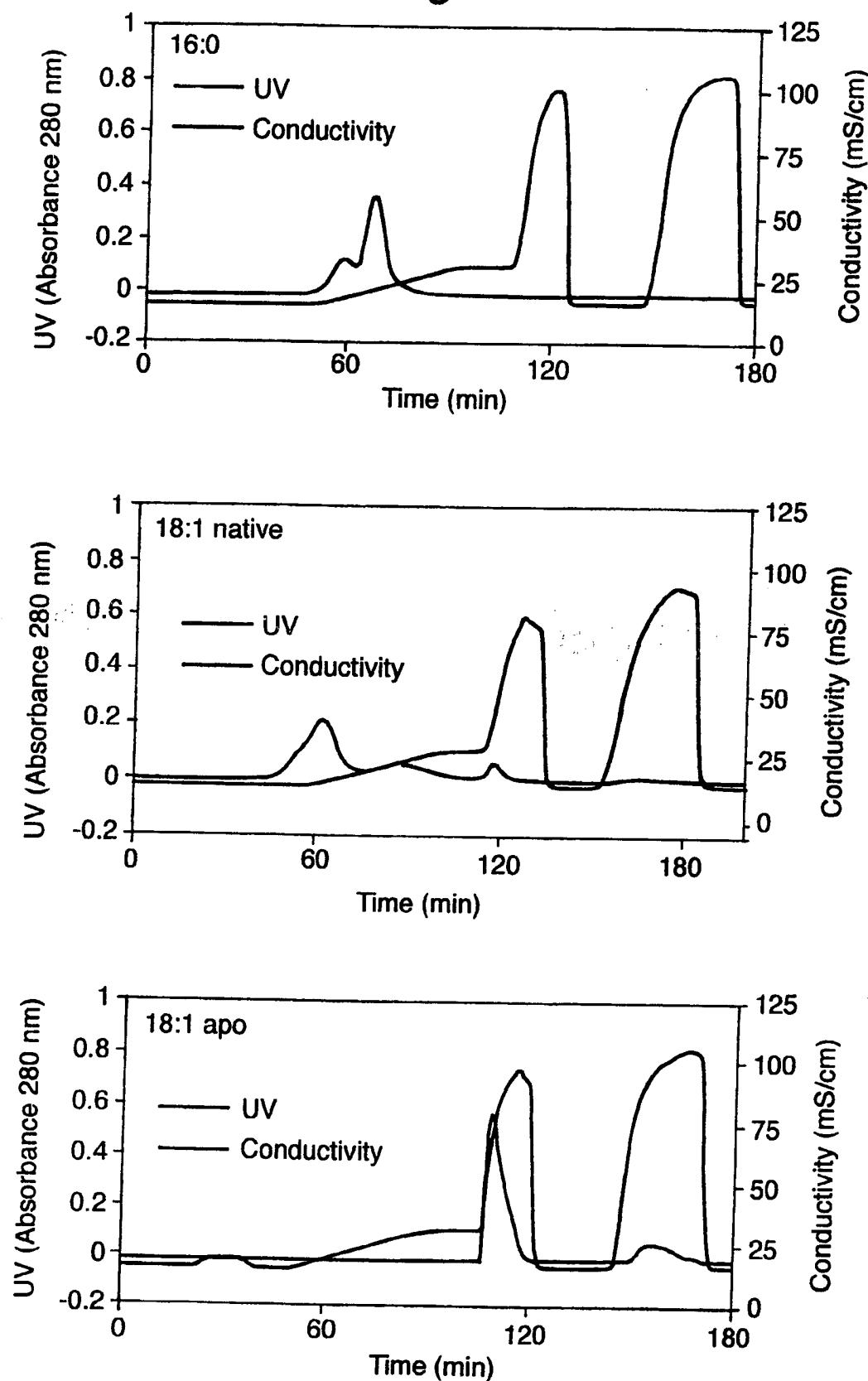


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Fig.8.



INTERNATIONAL SEARCH REPORT

International Application No

PCT/IB 98/01919

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 C07K14/76 A61K38/38 B01D15/08

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 C07K A61K B01D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	M JEGOUIC ET AL.: "Baric oligomerization in alpha-lactalbumin/beta-alctoglobulin mixtures" JOURNAL OF AGRICULTURAL AND FOOD CHEMISTRY., vol. 45, no. 1, January 1997, pages 19-22, XP002098651 WASHINGTON US see the whole document	1
A	WO 96 04929 A (SABHARWAL & SVANBORG) 22 February 1996 cited in the application see the whole document	1-42
A	FR 2 671 697 A (SNOW BRAND MILK PRODUCTS) 24 July 1992 see the whole document	1-42

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

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Date of the actual completion of the international search	Date of mailing of the international search report
31 March 1999	16/04/1999
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Masturzo, P

INTERNATIONAL SEARCH REPORT

Information on patent family members

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PCT/IB 98/01919

Patent document cited in search report	Publication date	Patent family member(s)		Publication date
WO 9604929 A	22-02-1996	AU EP JP	7792294 A 0776214 A 10504547 T	07-03-1996 04-06-1997 06-05-1998
FR 2671697 A	24-07-1992	JP US	4330252 A 5434250 A	18-11-1992 18-07-1995

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CG/RM/97126	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/IB 98/01920	International filing date (day/month/year) 23/11/1998	(Earliest) Priority Date (day/month/year) 27/11/1997
Applicant SVANBORG, Catharina et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

- the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :
- contained in the international application in written form.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority in written form.
 - furnished subsequently to this Authority in computer readable form.
 - the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. **Certain claims were found unsearchable** (See Box I).

3. **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

- the text is approved as submitted by the applicant.
- the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- the text is approved as submitted by the applicant.
- the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

- as suggested by the applicant.
- because the applicant failed to suggest a figure.
- because this figure better characterizes the invention.

None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IB 98/01920

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
SEE FURTHER INFORMATION PCT/ISA/210

2. Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:

3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.

2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- The additional search fees were accompanied by the applicant's protest.
- No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Although claim 18 are directed to a diagnostic method practised on the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
Although claims 17 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

INTERNATIONAL SEARCH REPORT

International Application No
PCT/IB 98/01920

A. CLASSIFICATION OF SUBJECT MATTER
IPC 6 A61K47/48 A61K51/08

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, A	<p>DATABASE MEDLINE US NATIONAL LIBRARY OF MEDICINE (NLM), BETHESDA, MD, US DN=95372420, HAKANSSON A ET AL: "Multimeric alpha-lactalbumin from human milk induces apoptosis through a direct effect on cell nuclei." XP002102465 cited in the application see abstract & EXPERIMENTAL CELL RESEARCH, (1999 FEB 1) 246 (2) 451-60. JOURNAL CODE: EPB. ISSN: 0014-4827., United States</p> <p>---</p> <p style="text-align: center;">-/--</p>	1-19

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

Date of mailing of the international search report

11 May 1999

26/05/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Berte, M

INTERNATIONAL SEARCH REPORT

International Application No
PCT/IB 98/01920

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 96 04929 A (SABHARWAL HEMANT ; SVANBORG CATHARINA (SE)) 22 February 1996 see claims ---	1-3, 8-11, 15-19
A	DATABASE MEDLINE US NATIONAL LIBRARY OF MEDICINE (NLM), BETHESDA, MD, US DN=95372420, HAKANSSON A ET AL: "Apoptosis induced by a human milk protein." XP002102466 see abstract & PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES OF AMERICA, (1995 AUG 15) 92 (17) 8064-8. JOURNAL CODE: PV3. ISSN: 0027-8424., United States ---	1-19
X	LI-JUNE MING: "Two-Dimensional ¹ H NMR studies of Ca(II)-binding site in proteins using paramagnetic lanthanides(III) as probes and Yb(III)-substituted bovine α -Lactalbumin as an example" MAGNETIC RESONANCE IN CHEMISTRY, XP002102464 MN US ---	1,8
Y	DATABASE MEDLINE US NATIONAL LIBRARY OF MEDICINE (NLM), BETHESDA, MD, US DN=95005433, A. SIGNORE ET AL.: "New approach for in vivo detection of insulitis in type I diabetes: activated lymphocyte targeting with ¹²³ I-labelled interleukin 2." XP002102467 see abstract -----	1-3, 8-11, 15-19

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IB 98/01920

Patent document cited in search report	Publication date	Patent family member(s)		Publication date
WO 9604929	A 22-02-1996	AU 7792294	A	07-03-1996

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

GREAVES, Carol P.
BATCHELLOR, KIRK & Co
102-108 Clerkenwell Road
London EC1M 5SA
GRANDE BRETAGNE

REC

RECEIVED

15 MAR 2000

PCT B. K. & Co

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing (day/month/year)	10.03.2000
-------------------------------------	------------

Applicant's or agent's file reference CG/RM/97126	IMPORTANT NOTIFICATION	
--	-------------------------------	--

International application No. PCT/IB98/01920	International filing date (day/month/year) 23/11/1998	Priority date (day/month/year) 27/11/1997
---	--	--

Applicant SVANBORG, Catharina et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 eprmu d Fax: +49 89 2399 - 4465	Authorized officer Hebert, W Tel. +49 89 2399-2152	
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Form PCT/IPEA/416 (July 1992)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CG/RM/97126		FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/IB98/01920		International filing date (day/month/year) 23/11/1998	Priority date (day/month/year) 27/11/1997
International Patent Classification (IPC) or national classification and IPC A61K47/48			
Applicant SVANBORG, Catharina et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 			

Date of submission of the demand 21/06/1999	Date of completion of this report 10.03.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Kling, I Telephone No. +49 89 2399 6471



Form PCT/IPEA/409 (cover sheet) (January 1994)

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB98/01920

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-28 as originally filed

Claims, No.:

1-19 as originally filed

Drawings, sheets:

1/11-11/11 as originally filed

2. The amendments have resulted in the cancellation of:

- the description, pages:
 the claims, Nos.:
 the drawings, sheets:

3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and Industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- the entire international application.
 claims Nos. 14-19.

because:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB98/01920

- the said international application, or the said claims Nos. see separate sheet relate to the following subject matter which does not require an international preliminary examination (*specify*):
see separate sheet

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the said claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	2-7, 9-19
	No:	Claims	1,8
Inventive step (IS)	Yes:	Claims	4-7, 12, 13
	No:	Claims	1-3,8-11,14-19
Industrial applicability (IA)	Yes:	Claims	1-13
	No:	Claims	14-19 (see separate sheet)

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB98/01920

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Claims 14 to 19 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(i) PCT).

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Claims 1 to 10 concern an agent comprising a protein complex comprising an oligomeric form of α -lactalbumin (MAL) and a further reagent which is combined with MAL. The feature "such that it is carried into the nucleoplasm of cells which are susceptible to MAL" is a definition by the result to be achieved and is not a characteristic of an agent.

Pharmaceutical compositions are claimed in claims 11 to 13.

The documents cited in the International Search Report are numbered D1 to D5 in the order of their listing in said Search Report. Unless otherwise indicated, reference is made to the passages cited in said Search Report.

The teaching of D4, which discloses the substitution Yb^{3+} for the Ca^{2+} in bovine alpha-lactalbumin and the use of $Yb(III)$ -substituted bovine alpha-lactalbumin, anticipates the subject-matter of claims 1 and 8.

D2 = WO-A-96 04929 discloses the use of a multimeric alpha-lactalbumin in the preparation of a therapeutically active antibacterial for use in the treatment or in the diagnostic of infections.

This teaching is relevant to the subject-matter of claims 1 to 3, 8 to 11 and 14 to 19, since these claims call on the one hand for an agent i.e. a compound (claims 1 to 8) and on the other hand for a pharmaceutical composition (claims 11 to 13) i.e first

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB98/01920

medical use. Applicant's argument that D2 does not teach the specific type of treatment is not relevant in the present case since the claimed subject-matter is form of a first medical use or a compound and the kind of treatment is a characteristic of a method of treatment or of a second medical indication. The same remark applies for document D5.

D5 discloses new approach for in vivo detection of insulinitis in type I diabetes: activated lymphocytes targeting with ^{123}I -labelled interleukin. This teaching combined with D2 would lead the skilled man to the subject-matter of claims 1 to 3, 8 to 11 and 15 to 19 since it suggests to the man skilled in the art to combine α -lactalbumin with a radioactive labelling agent such as ^{123}I and the use of the labelled α -lactalbumin for the diagnosis and for the treatment of cancer.

Thus, the subject-matter of claims 1 to 3, 8 to 11 and 14 to 19 does not involve an inventive step and does not satisfy the criterion set forth in Article 33(3) PCT.

D1 and D3 are not considered to be of particular relevance.

For the assessment of the present claims 14 to 19 on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/

PCT

CHAPTER II

DEMAND

under Article 31 of the Patent Cooperation Treaty:

The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty and hereby elects all eligible States (except where otherwise indicated).

For International Preliminary Examining Authority use only

Identification of IPEA	Date of receipt of DEMAND
Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION	
International application No. PCT/IB98/01920	International filing date (day/month/year) 23.11.98
Title of invention THERAPEUTIC AGENTS	
Box No. II APPLICANT(S)	
Name and address: (Family name followed by given name; for a legal entity: full official designation. The address must include postal code and name of country.) SVANBORG Catharina University of Lund Department of Laboratory Medicine Division of Clinical Immunology Sölvegatan 23, S-223 62 Lund Sweden	Telephone No.: Facsimile No.: Teleprinter No.: SE
State (that is, country) of nationality: SE	State (that is, country) of residence: SE
Name and address: (Family name followed by given name; for a legal entity: full official designation. The address must include postal code and name of country.) HAKANSSON Per Anders Flormans gatan 2A S-223 54 Lund Sweden	
State (that is, country) of nationality: SE	State (that is, country) of residence: SE
Name and address: (Family name followed by given name; for a legal entity: full official designation. The address must include postal code and name of country.)	
State (that is, country) of nationality:	State (that is, country) of residence:
<input type="checkbox"/> Further applicants are indicated on a continuation sheet.	

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The following person is agent common representative

and has been appointed earlier and represents the applicant(s) also for international preliminary examination.

is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.

is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: (*Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.*)

GREAVES Carol Pauline

Batchellor, Kirk & Co.
102-108 Clerkenwell Road
London
EC1M 5SA
GB

Telephone No.:

0171 253 1563

Faxsimile No.:

0171 253 1214

Teleprinter No.:

Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION**Statement concerning amendments:***

1. The applicant wishes the international preliminary examination **to start on the basis of:**

the international application as originally filed

the description as originally filed

as amended under Article 34

the claims as originally filed

as amended under Article 19 (together with any accompanying statement)

as amended under Article 34

the drawings as originally filed

as amended under Article 34

2. The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.

3. The applicant wishes the start of the international preliminary examination **to be postponed** until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). (*This check-box may be marked only where the time limit under Article 19 has not yet expired.*)

- * Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination:

which is the language in which the international application was filed.

which is the language of a translation furnished for the purposes of international search.

which is the language of publication of the international application.

which is the language of the translation (to be) furnished for the purposes of international preliminary examination.

Box No. V ELECTION OF STATES

The applicant hereby **elects all eligible States** (*that is, all States which have been designated and which are bound by Chapter II of the PCT*)

excluding the following States which the applicant wishes **not to elect**:

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- | | | |
|--|---|--------|
| 1. translation of international application | : | sheets |
| 2. amendments under Article 34 | : | sheets |
| 3. copy (or, where required, translation) of amendments under Article 19 | : | sheets |
| 4. copy (or, where required, translation) of statement under Article 19 | : | sheets |
| 5. letter | : | sheets |
| 6. other (specify) | : | sheets |

For International Preliminary Examining Authority use only

received	not received
<input type="checkbox"/>	<input type="checkbox"/>

The demand is also accompanied by the item(s) marked below:

- | | |
|--|---|
| 1. <input type="checkbox"/> fee calculation sheet | 4. <input type="checkbox"/> statement explaining lack of signature |
| 2. <input type="checkbox"/> separate signed power of attorney | 5. <input type="checkbox"/> nucleotide and or amino acid sequence listing in computer readable form |
| 3. <input type="checkbox"/> copy of general power of attorney; reference number, if any: | 6. <input type="checkbox"/> other (specify): |

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand)

GREAVES Carol Pauline
Agent

— For International Preliminary Examining Authority use only —

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):

3. The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply. The applicant has been informed accordingly.
4. The date of receipt of the demand is WITHIN the period of 19 months from the priority date as extended by virtue of Rule 80.5.
5. Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82.

— For International Bureau use only —

Demand received from IPEA on:

PATENT COOPERATION TREATY

PCT

REC'D 14 MAR 2000

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CG/RM/97126	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/IB98/01920	International filing date (day/month/year) 23/11/1998	Priority date (day/month/year) 27/11/1997	
International Patent Classification (IPC) or national classification and IPC A61K47/48			
Applicant SVANBORG, Catharina et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 21/06/1999	Date of completion of this report 10.03.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Kling, I Telephone No. +49 89 2399 8471



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/IB98/01920

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-28 as originally filed

Claims, No.:

1-19 as originally filed

Drawings, sheets:

1/11-11/11 as originally filed

2. The amendments have resulted in the cancellation of:

the description, pages:
 the claims, Nos.:
 the drawings, sheets:

3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- the entire international application.
 claims Nos. 14-19.

because:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB98/01920

- the said international application, or the said claims Nos. see separate sheet relate to the following subject matter which does not require an international preliminary examination (*specify*):

see separate sheet

- the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

- the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- no international search report has been established for the said claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims 2-7, 9-19
	No:	Claims 1,8
Inventive step (IS)	Yes:	Claims 4-7, 12, 13
	No:	Claims 1-3,8-11,14-19
Industrial applicability (IA)	Yes:	Claims 1-13
	No:	Claims 14-19 (see separate sheet)

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB98/01920

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Claims 14 to 19 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(I) PCT).

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Claims 1 to 10 concern an agent comprising a protein complex comprising an olimeric form of α -lactalbumin (MAL) and a further reagent which is combined with MAL. The feature "such that it is carried into the nucleoplasm of cells which are susceptible to MAL" is a definition by the result to be achieved and is not a characteristic of an agent.

Pharmaceutical compositions are claimed in claims 11 to 13.

The documents cited in the International Search Report are numbered D1 to D5 in the order of their listing in said Search Report. Unless otherwise indicated, reference is made to the passages cited in said Search Report.

The teaching of D4, which discloses the substitution Yb^{3+} for the Ca^{2+} in bovine alpha-lactalbumin and the use of Yb(III)-substituted bovine alpha-lactalbumin, anticipates the subject-matter of claims 1 and 8.

D2 = WO-A-96 04929 discloses the use of a multimeric alpha-lactalbumin in the preparation of a therapeutically active antibacterial for use in the treatment or in the diagnostic of infections.

This teaching is relevant to the subject-matter of claims 1 to 3, 8 to 11 and 14 to 19, since these claims call on the one hand for an agent i.e. a compound (claims 1 to 8) and on the other hand for a pharmaceutical composition (claims 11 to 13) i.e first

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medical use. Applicant's argument that D2 does not teach the specific type of treatment is not relevant in the present case since the claimed subject-matter is form of a first medical use or a compound and the kind of treatment is a characteristic of a method of treatment or of a second medical indication. The same remark applies for document D5.

D5 discloses new approach for *in vivo* detection of insulinitis in type I diabetes: activated lymphocytes targeting with ^{123}I -labelled interleukin. This teaching combined with D2 would lead the skilled man to the subject-matter of claims 1 to 3, 8 to 11 and 15 to 19 since it suggests to the man skilled in the art to combine α -lactalbumin with a radioactive labelling agent such as ^{123}I and the use of the labelled α -lactalbumin for the diagnosis and for the treatment of cancer.

Thus, the subject-matter of claims 1 to 3, 8 to 11 and 14 to 19 does not involve an inventive step and does not satisfy the criterion set forth in Article 33(3) PCT.

D1 and D3 are not considered to be of particular relevance.

For the assessment of the present claims 14 to 19 on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION
(PCT Rule 61.2)

Date of mailing (day/month/year) <input checked="" type="checkbox"/> September 1999 (29.09.99)	From the INTERNATIONAL BUREAU To: Assistant Commissioner for Patents United States Patent and Trademark Office Box PCT Washington, D.C.20231 ÉTATS-UNIS D'AMÉRIQUE in its capacity as elected Office
International application No. <input checked="" type="checkbox"/> PCT/IB98/01920	Applicant's or agent's file reference CG/RM/97126
International filing date (day/month/year) <input checked="" type="checkbox"/> November 1998 (23.11.98)	Priority date (day/month/year) 27 November 1997 (27.11.97)
Applicant <input checked="" type="checkbox"/> ANBORG, Catharina et al	

1. The designated Office is hereby notified of its election made: in the demand filed with the International Preliminary Examining Authority on:

21 June 1999 (21.06.99)

 in a notice effecting later election filed with the International Bureau on:

2. The election was was not

Made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35 Form PCT/IB/331 (July 1992)	Authorized officer Lazar Joseph Panakal Telephone No.: (41-22) 338.83.38
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